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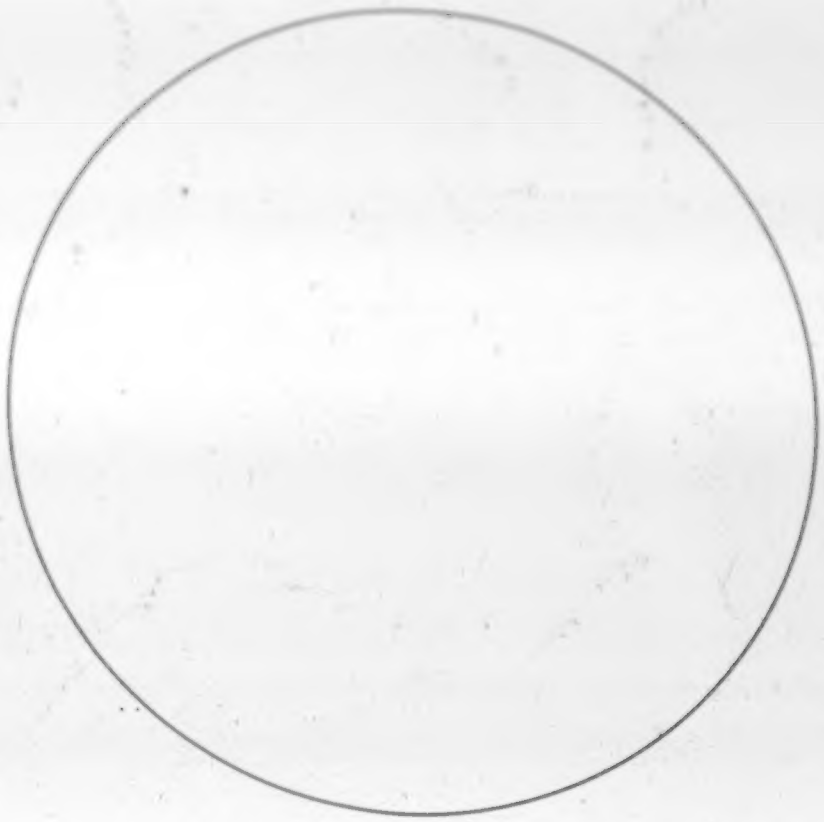

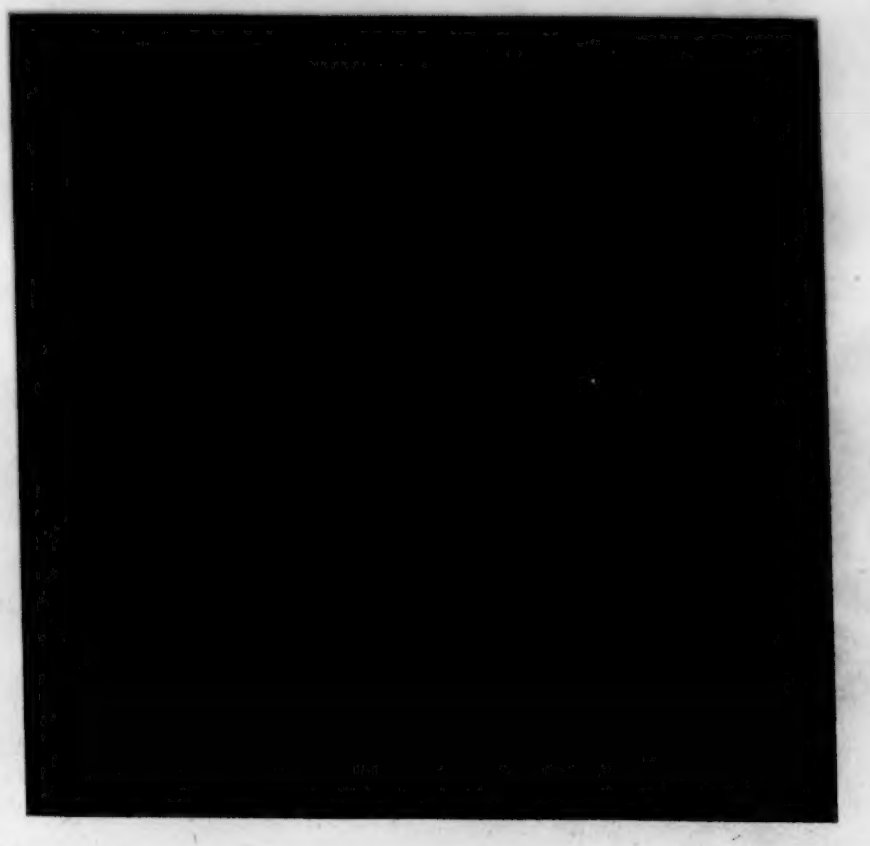

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 369

CHEROKEE FREEDMEN R313 - R360

THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Tran. from Cher. Fr. Memo
No. 6

See Cher. Fr. R. 192, 910, 914

Cher. Fr. R. 313

a. 1439

Cherokee Freedmen, Rejected Case

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 5th, 1903.

In the matter of the application of Laurena Ezell for enrollment as a Cherokee Freedman.

Appearances:
Mr. A. S. Mehaffey, Attorney for the applicant;
Mr. N. W. Hastings, of Attorneys for the Cherokee Nation.

LAURENA EZELL, being sworn and examined, testified as follows:

BY COMMISSION:
Q What is your name? A Laurena Ezell.
Q How old are you? A 41 years.
Q What is your post-office address? A Muskogee, Indian Territory.
Q Do you apply for enrollment as a Cherokee Freedman? A I do.
Q Do you apply for any other kind of a right? A No sir.
Q What is the name of your father? A Joseph Smith.
Q Is he living? A Yes sir.
Q Is he a citizen of a state or a tribe? A State man.
Q What is the name of your mother? A Charlotte Smith.
Q Is she living? A Yes sir.
Q Does she claim to be a Cherokee Freedman? A Yes sir.
Q Have you ever resided in the Cherokee Nation? A Not any definite time.
Q How long have you been living in Muskogee? A About four years.
Q Where did you come from to Muskogee? A Missouri.
Q Were you born in Missouri? A Yes sir.
Q Did you live there continuously up until you came here four years ago? A Yes sir.
Q You never had an actual residence in the Cherokee Nation? A Only here in Muskogee.
Q I say, you have never had an actual residence in the Cherokee Nation? A No sir, only been there.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a Freedman, that is have you been enrolled? A No sir.
Q Have you ever drawn any money from the tribal authorities? A No sir.
Q Did you ever apply to them for enrollment? A No sir.
A BY COMMISSION: The tribal rolls of the Cherokee Nation in the possession of the Commission have been examined and the name of the applicant does not appear of record thereon.

Q What is the name of your husband? A Charles Ezell.
Q Is he living? A Yes sir.
Q Is he a citizen? A Yes sir.
BY MR. HASTINGS:
Q Where were you married? A Wagoner, Indian Territory.

BY COMMISSION: Laurena Ezell applies for the enrollment of herself as a Cherokee Freedman.

By reason of the injunction recently prayed for by the Cherokee Nation, through its properly constituted authorities, and which injunction was granted temporarily by Judge Gill of the United States Court for the Northern District, Indian Territory this Commission has no authority to receive, consider or make any record of this application, for the reason that the applicant is not identified as any of the tribal rolls of the Cherokee Nation now in the possession of the Commission and it doesn't appear that she has ever been admitted to citizenship by the tribal authorities of the Nation, the Commission to the Five Civilized Tribes, as provided in the act of Congress approved June 10, 1898, or by the United States Court

[illegible], namely a stenographer will be made of the proceedings of the application. A copy of the record of the proceedings will be forwarded to the Secretary of the Interior for his consideration and final approval, and the applicant will be notified at a later date of the action of the Department as regards her application.

N. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this January 16th, 1902.

[illegible]

Commissioner.

COPY.

Cherokee Freedmen

S-111.

Muskogee, Indian Territory, August 31, 1904.

Laurena Ewell,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 26, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Encl. S-65.

Cherokee Freedmen

D-[illegible]-[illegible]-[illegible]-[illegible]

Muskogee, Indian Territory, August 31, 1904.

A. R. Duffee,

Attorney for Isela Smith, et ux,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Isela Smith, et al., rejecting the applications for the enrollment of Isela and Charlotte Smith, Lawrend Ezell and Ida Kohler as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Encl. S-68.

COPY

[illegible]

[illegible]

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 26, 1904, in the consolidated case of Isola Smith, et al., rejecting the applications for the enrollment of Isola and Charlotte Smith, Laurena Ezell and Ida Kahler as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. S-69.

[redacted]

Muskogee, Indian Territory, August 31, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Isaac Smith, et al., including the Commission's decision, dated August 28, 1904, rejecting the applications for the enrollment of Isaac and Charlotte Smith, Laurene Beall and Ida Kahler as Cherokee freedmen.

Respectfully,

Tams Bixby,
Chairman.

Encl. 5-70.

Through the

Commissioner of Indian Affairs.

[6 9 7]

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 27, 1904.

Land.

66678-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 31, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Isola Smith for herself; by Laurina Ezell for herself; by Charlotte Smith for herself, and by Ida Kahler for herself.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that Charlotte Smith was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return thereto and establish a residence therein prior to February 11, 1867; that the other applicants are her children born since 1866, and possess no rights to enrollment except through her. None of their names is identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.V.

(C O P Y)

W. C. F.

DEPARTMENT OF THE INTERIOR, T. F.

D C 39047-1904 WASHINGTON, October 13, 1904. FWH

I. T. D. 8294-1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 31, 1904, you transmitted the record in the consolidated case involving the applications for the enrollment, of Isola Smith for herself; of Laurona Ezell for herself; of Charlotte Smith for herself, and of Ida Kohler for herself, as Cherokee freedmen, including your decision of August 23, 1904, rejecting said applications.

Reporting in the matter September 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-118

Muskogee, Indian Territory October 20, 1904.

Mrs. Ann Neill,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated August 20, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

Tams Bixby.
Chairman.

Cherokee Freedmen
Bells et al.

Muskogee, Indian Territory, October 28, 1904.

A. S. Wallace,

Attorney for Isola Smith, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of August 29, 1904, rejecting the applications for the enrollment of Isola Smith, Lenrene Ezell, Charlotte Smith and Ida Vahler, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Tams Bixby,
Chairman.

Cherokee Freedmen
Smith, et al.

Muskogee, Indian Territory, October 21, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 29, 1904, rejecting the applications for the enrollment of Isola Smith, Lourena Snell, Charlotte Smith and Ida Walker, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Tams Bixby,
Chairman.

Ø3 391

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 8 1902

Acting Chairman.

CHEROKEE FREEDMEN

Date [illegible]

Post Office [illegible]

Witness [illegible]

1. Name

Dawes's name

Year Page No. Dawes

Parents

Father

Mother

Age

Citizenship

Citizenship

Citizenship

Name of wife [illegible] Age [illegible]

Dawes's name

Citizenship

Year Page No. Dawes

Parents

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

Names of Children

Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

Rejected - No Card

"Injunction Case"

[illegible] Ry. [illegible]

Represented by Atty. A. S. McRae, Muskogee, I.T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Isola Smith as a Cherokee Freedman, consolidating the applications of--

Isola Smith,	Cherokee Freedman R-312,
Laurena Ewell,	Cherokee Freedman R-313,
Charlotte Smith,	Cherokee Freedman R-314,
Ida Kahler,	Cherokee Freedman R-316.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Isola Smith for herself; by Laurena Ewell for herself; by Charlotte Smith for herself; and by Ida Kahler for herself.

The evidence herein shows that the applicants, Isola Smith, Laurena Ewell and Ida Kahler are the children of the applicant Charlotte Smith; that they were born since 1866 and possess no rights to enrollment other than as descendants of the said Charlotte Smith.

The evidence further shows that the said Charlotte Smith was the slave of a Cherokee citizen at the commencement of the war of the rebellion, was taken out of the Cherokee Nation during said war and did not return thereto, and establish a residence therein, within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation.

None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lucie Smith, Lawrence Duell, Charlotte Smith and Ina Miller as Chickasaw freedmen, should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this AUG 27 1904

Chor. Fr. R-314

Trans. from Chor. Fr. Memo No. 7 by order of Commission

See Chor. Fr. R-191 - 312 - 313

Chor. Fr. R-314

Page

Cherokee Freedmen.

Department of the Interior
Commission to the Five Civilized Tribes
Tahlequah, I. T., January 8th, 1900

In the matter of the application of Charlotte Smith for the enrollment of herself as a Cherokee Freedman.

Appearances:
A. [illegible], Attorney for the Applicant,
C. [illegible], of Attorneys for the Cherokee Nation.

CHARLOTTE SMITH, being sworn and examined, testifies as follows:

EX. CHAMBERLAIN:
Q What is your name? A Charlotte Smith.
Q How old are you? A I am between 45 and 50.
Q What is your post-office address? A Muskogee.
Q Are you living in the Creek Nation? A Yes sir.
Q Do you apply for enrollment as a Cherokee by blood or a Cherokee freedman? A Freedman.
Q Do you apply for the enrollment of anyone else besides yourself? A Three children.
Q Are these children under 21 years of age and unmarried? A Married
Q Have you any unmarried children? A No sir.
Q Your children over 21 years of age and and those married must apply in person. A Yes sir.
Q What is the name of your father? A I don't remember my father, he was an Indian.
Q Was he a Cherokee Indian? A Yes sir, hisname was Griffin.
Q Is he living or dead? A He is dead, I guess, a good many years ago, I don't remember.
Q What is the name of your mother? A Eliza Davis, she belonged to Davis.
Q Is she living? A No sir.
Q Was your mother a Cherokee Freedman? A Yes sir.
Q Who was her owner? A Mrs. Dr. Davis.
Q What was her full name? A Why Eliza Davis.
Q Mrs. Dr. Davis' name? A Oh, Mrs. Dr. Davis name was Polly Davis.
Q Was she a Cherokee Indian? A Yes sir.
Q Recognized as such? A Yes sir.
Q Were you born a slave? A Yes sir.
Q To whom did you belong? A Mrs. Dr. Davis.
Q Where were you born? A In the Cherokee Nation, I think.
Q What district were you born in? A In Flint District.
Q Did you live there at theoutbreak of the war between the United States and the Confederacy? A Yes sir.
Q Did youleave the nation at the outbreak of the war? A I was kidnapped and carried out, I went with some soldiers to Missouri.
Q Was that during the war? A Well at the commencement of the war.
Q When did you return to the Cherokee Nation? A Why in '66.
Q What time in '66? A Latter part of the summer, of '66.
Q Where have you resided since that time? A I have lived in Missouri and in the Cherokee Nation; I have been in and out.
Q After you came back from Missouri how long did you continue to reside in the Cherokee Nation? A Good part of my time. I married in the Cherokee Nation.
Q About howmany years did you live here before you went away again? A I don't remember, I never kept track of the time.
Q Don't you have any idea at all? A No, I don't have no real idea at all.
Q How long did you live in Missouri after you went back? A I lived there longer than I did anywhere else after I married.
Q When did you actually come back to the Cherokee Nation the last time? A The last time was four years ago.

Q How long had you been living in Missouri then? A I don't know, my husband was a preacher and traveled around a lot.
Q And you been living most of your life since prior to the time that you came to the Cherokee Nation? A Different times we got out.
Q Why, I don't think I have lived there that long a time at any one place.
Q If I understand you correctly, it was less the larger part of the time you have been living in the State of Missouri? A Yes sir, in and out.
Q The major portion of the time you have been living in Missouri? A Yes sir.
Q Have you ever been recognized as a Cherokee Freedman by the tribal authorities of the Cherokee Nation? A I don't know what you mean.
Q That is, have you been enrolled? A No sir.
Q Have you ever drawn any money? A No sir.
Q Did you ever apply to the tribal authorities for admission? A No sir.
Q Did you ever apply to this Commission for admission? A No sir.

By Commission: The tribal rolls of the Cherokee Nation in the possession of the Commission have been examined and the name of the applicant does not appear thereon.

BY MR. McKEA:
Q Mrs. Smith, have you considered any place or country your home other than the Cherokee Nation?
COMMISSION: I don't think that is very material, Mr. McKea. Let the Commission determine whether she has considered this her home.
BY MR. McKEA: I would think that a very material allegation, and should be set forth in the case, your Honor.
BY COMMISSION: Well find out in a general way where she has been living and let the Commission determine what has been her home.

BY MR. McKEA:
Q What are the names of your children that are 21 years of age? A The youngest one is 21 and the oldest one is 28.
Q Give their names? A The oldest one is Ida Taylor, and the next is Isora Smith, she is married, her married name is Smith, and the youngest one is 21, her name is Laurena Snell.
BY MR. HASTINGS:
Q Where were you married? A In Chetopa.
Q In Kansas? A Right on the line.
Q That was your first marriage? A Yes sir.
Q What year were you married in? A About '72.
Q How old is your oldest child? A 28.
Q What is her name? A Ida.
Q Where was Ida born? A In Missouri.
Q What town? A Saint Louis.
Q How many children have you? A Six.
Q What is the next one? A Laurena.
Q Where was she born? A In Saint Louis.
Q What is the next child's name? A Isora.
Q Where was she born? A Saint Louis.
Q When did you come from there you came here? A I came from Saint Louis.
Q Four years ago? A Yes sir.
Q After the birth of your youngest child you lived there until four years ago, when you moved out in this country? A Well I lived in different places, different places, different parts.
Q All those places in Missouri? A Yes sir, and some in the Nation.
Q [illegible] A No sir, I [illegible] have been

Q I mean at the expiration of that five years? A Just as preaching begins, my husband preached.
Q You never had a real home here until five years ago? A No sir. Not since I went away after the war.
Q You never had a real home here after the war? A Yes, I have been here since 'up.
Q Now where did you go to in '65? A Just went from place to place, I worked at Chetopa until I married him; and and when I came to Missouri, after I married him I didn't have anything to do but follow him.
Q How before you married your husband how long had you been in Chetopa? A Why just got acquainted with him.
Q How long did you live at Chetopa? A I didn't live there but three or four years, I worked at the Collom house.
Q Where did you move from when you went to Chetopa where you met your husband? A Rolla, Missouri.
Q Where had you been before that? A I had been to Fort Gibson, and Tahlequah and I moved to Chetopa.
Q I want to know where you had been living when? A I don't just remember where I had been living.
Q Your memory is rather faulty at the crucial point? A Well I was young; I am getting old and feeble and forgetful; I could have remembered these things, and I can't remember now.
Q How old are you? A I am between 45 and 50, I don't know my exact age.
Q When did your mother die? A I don't remember; she has been dead ever since I was a little thing.
Q Who raised you up? A I told you I belonged to Dr. Davis' wife and she raised me until I was being kidnapped away.
Q Who were you in the custody of immediately after the war? A I lived with a man I knew at Mr. Davis.
Q White man? A Yes sir.
Q Where did you live with him at? A In Springfield, Missouri.
Q That was after the war? A Yes sir, during the war and after the war.
Q When did he die? A I don't know whether he is dead or not.
Q How long did you live with him after the war? A I don't remember.
Q Ten years? A No, I don't know as it was that long, I couldn't tell you.
Q Well, about how long? A I can't tell you.
Q How old were you? A I don't know exactly how old I was.
Q Well about how many years before you married? A Well I don't know how long that was either.
Q You know about when peace was made? A Yes sir.
Q How howlong after peace was made was it you lived with this man whom you knew at Mr. Davis, in Springfield, Missouri? A I came back from Springfield here to Ft. Gibson and I couldn't find my people and I went on back to Springfield, and after this railroad come through here I come back.
Q That was the first time you came back? A Yes sir.
Q That was after the M.K. & T. Railroad came through here? A Yes sir.
Q How long before you went back up to Springfield when you could not find these your people? A I stayed there three or four weeks.
Q That was the only time you came until this railroad came through here? A I comethrough, I never came on the railroad.
Q Who did you stay with in Fort Gibson these three or four weeks A I stayed with Mx. some soldiers.
Q How old were you then? A I must have been 10 or 12 years old.
Q Who did you come with? A This Mr. Davis, he brought me down in a wagon and I went back to Springfield with him; I came back by myself with him as well as I can recollect and went to this place where the soldiers was. I told you before I came back with Jess Davis.

Q And this other white man took you back to Springfield? A No, I went to Fort Gibson, Ala Tahlequah.
Q Who did you see at Tahlequah? A I saw a woman up there, I got acquainted with her, by the name of Big Jennie, and a man named Jim Rose.
Q Big Jennie was alive then? A Yes sir.
Q Was she a young or an old colored woman? A She was a big woman, I was a child then, I don't know.
Q Very small or very large woman? A She was a large woman.
Q That about 5 or years ago? A No sir.
Q About how many years ago was it? A That was right after the war.
Q About how many years after the war? A Well you know how many years it has been.
Q As much as five years after the war, or six? A I don't know.
Q What is your best judgment about it? A Well I told you I was quite young.
Q I want to know about how long after the war it was? A It might have been six or seven years, I don't know.
Q That is your best judgment? A That is my best judgment.
Q Did you go up to Tahlequah from Fort Gibson? A Yes sir.
Q That is the time that this man that lived with Doctor Davis took you back to Springfield that you mentioned awhile ago in your testimony? A As near as I can remember.
Q That's your best judgment? A Yes sir.
Q Some six or seven years after the war? A Yes sir.

BY MR. McREA: I don't think the interrogatories promulgated to the applicant by the attorney for the Nation are clear.
BY COMMISSION: Well, if she don't understand the questions, she can say so, and they will be put so that she can understand them. To Witness: If you don't understand the questions simply tell the gentleman so and he will put them in such manner that you will understand them.

BY MR. HASTINGS:
Q As I understand you made a trip after the war down to Ft. Gibson, and you went from Fort Gibson to Tahlequah, while you were living here that same time? A I don't remember whether it was that same time or not, but I was there, and I went back to Springfield and I come back here after this railroad was through here, I know that much.
Q That is the second time you came back here? A Yes sir, and the last time.
Q Now the first time you came back was about 6 or 7 years after the war? A As well as I can remember, it might have been less than that.
Q What is your best judgment? A Well I am giving you my best judgment
Q Well six or seven years after the war? A I don't think it was longer.

BY COMMISSION:
Q Do you think it was that long? A It might have been that long.

BY MR. McREA:
Q Now Mrs. Smith, you stated in the commencement that you came here in the summer of '66, is that right? A Yes sir.
Q Well now, was that the time when you first came to Fort Gibson, and stayed three or four weeks, as you have stated, and went to Tahlequah? A Yes sir.
Q Was that in the same year of '66? A That I think was in the same year of '66.
Q Then are you positive now as to whether or not it was 5 or 7 years before the war commenced that you first came down to Fort Gibson and went from there to Tahlequah? A Before the war commenced.
Q Yes, six or seven years after the war commenced? A Well as near as I can remember it was about that time, because I was no scholar at the time, I couldn't remember anything; what I learned I have learned since I have been grown.
Q Now when you came down in '66 did you have any object in returning? A No, I came to make this my home, because it was my birthplace.

BY COMMISSION:

Q Did Mr. Bessie have any children? A Yes sir.

Q How many? A As many as I can remember to-day five.

Q What are their names? A Ephelia, Cynthia and John and Logra and William.

Q Were you living there up until the war commenced? A Yes sir.

Q You were freed the slave? A I was the slave.

Q Now I will ask you, I asked you awhile ago about how long it was after the war whether, after peace was declared that you came back down here the first time from Springfield to Fort Gibson and then went up to Tahlequah, and you stated that was to your best judgment about about 6 or 7 years? A First time I told you it was in 1872 I came back here.

Q Yes, but I am asking you how many years after the war? A Well I don't remember how many years it was, I said it might have been 5, it might have been 6 and it might have been 7, I couldn't tell you.

Q That is your best judgment? A Yes sir.

BY COMMISSION(of applicant's attorney, Mr. Mehes:

Do you desire to introduce any further testimony? A Yes sir.

State briefly where and when you wish to introduce that testimony? A We shall try to get the testimony for to-day week at farthest. We have information of the witnesses that they will be here at that time; I would ask for a continuance of the case until we shall have opportunity to introduce this testimony of our witnesses.

BY MR. BASTINOS: Comes now the Representative of the Cherokee Nation and objects to any further proceeding whatever in this case, because it is clearly within the injunction granted by the United States Court, and for the further reason that it is clearly apparent from the testimony of the witness herself that she has no case and is not entitled to be enrolled.

BY COMMISSION: By reason of the injunction recently prayed for by the Cherokee Nation, through its properly constituted authorities, and which injunction was granted, temporarily, by Judge Gill of the United States Court for the Northern District, Indian Territory, the objection of the Cherokee Nation above indicated as to the introduction of further testimony in this case will be sustained, for the reason that under the provisions of said injunction this Commission has no authority to receive, consider, or make any record of this application, for the reason that the applicant is not identified on any of the tribal rolls of the Cherokee Nation now in the possessin of the Commission, and it doesnot appear that she has ever been admitted to citizenship by the tribal authoritiesof the nation, the Commission to the Five Civilized Tribes approvided in the act of Congress approved June 10, 1896, or by the United States Court on appeal, and only a memorandum will be made of her application. A copy of the record of the proceedings will be forwarded to the Secretary of the Interio rfor his consideration and final approval, and the applicant will be notified at a later date of the action of the Dawes Department as regrds her application.

--**--

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 10, 1902.

Commissioner.

[illegible]

[illegible]

[illegible]

In the matter of the application for the enrollment of Isola Smith as a Cherokee Freedman, consolidating the applications of:

Isola Smith,	[illegible]
Laurena Ezell,	Cherokee Freedman [illegible],
Charlotte Smith,	Cherokee Freedman [illegible],
Ida Kohler,	Cherokee Freedman [illegible].

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Isola Smith, for herself, by Laurena Ezell for herself, by Charlotte Smith for herself; and by Ida Kohler for herself.

The evidence herein shows that the applicants, Isola Smith, Laurena Ezell and Ida Kohler are the children of the applicant Charlotte Smith; that they were born since 1866 and possess no rights to enrollment other than as descendants of the said Charlotte Smith.

The evidence further shows that the said Charlotte Smith was the slave of a Cherokee citizen at the commencement of the war of the rebellion, was taken out of the Cherokee Nation during said war and did not return thereto, and establish a residence therein, within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation.

None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

[illegible] 16. Therefore, the Commission [illegible] that the conditions for the enrollment of Lulu Allen, Lawrence Harris, Charlotte Harris and Ida Emery as Creek freedmen, should be decided upon the provisions of section twenty-seven of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

Concurring in the above opinion:

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,
this Aug. 26, 1904.

FILED
MAY 14 1902

[illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [

D 392

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED.
JAN 8 1902
ACTING CHAIRMAN.

CHEROKEE FREEDMEN

Date [illegible]
Number [illegible]
Name [illegible]

1. Name [illegible] Age [illegible]
Former name [illegible] Citizenship [illegible]
Year Page No. District
Parents
Father [illegible] Citizenship [illegible]
Mother [illegible] Citizenship [illegible]

2. Name of child
Former name Age
Citizenship
Year Page No. District
Parents
Father Citizenship
Mother Citizenship

Rejected - Not found

Injunction Case

Names of children

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

Not on any Roll

Represented by Atty A. S. McRae, Muskogee, I.T.

Cherokee Freedmen

Dockets.

Muskogee, Indian Territory, August 31, 1904.

Charlotte Smith,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 26, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Encl. S-66.

Copy

[illegible]

[illegible]

[illegible], Indian Territory, August [illegible], 1904.

A. S. Hobbs,

Attorney for Isaac Smith, et al.,

[illegible], Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 22, 1904, in the consolidated case of Isaac Smith, et al., rejecting the applications for the enrollment of Isaac and Charlotte Smith, Lawrence Neell and Ida Kahler as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Encl. 2-65.

COPY

[redacted]

[redacted]

Muskogee, Indian Territory, August 31, 1904.

Hastings, Ball & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Isola Smith, et al., rejecting the applications for the enrollment of Isola and Charlotte Smith, Laurena Ewell and Ida Kahler as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Encl. S-69.

[redacted]

Muskogee, Indian Territory, August 31, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Isola Smith, et al., including the Commission's decision, dated August 24, 1904, rejecting the applications for the enrollment of Isola and Charlotte Smith, Lemrona Ezell and Ida Kohler as Cherokee freedmen.

Respectfully,

James Dixby,
Chairman.

Encl. S-70.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, September 27, 1904.

Refer to reply to the following:

Land.

60875-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 31, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Isola Smith for herself; by Laurina Neell for herself; by Charlotte Smith for herself, and by Ida Kahler for herself.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that Charlotte Smith was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return thereto and establish a residence therein prior to February 11, 1867; that the other applicants are her children born since 1866, and possess no rights to enrollment except through her. None of their names is identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner
Acting Commissioner.

M.M.M.W.

(Copy)

W. D. F.

DEPARTMENT OF THE INTERIOR, T. B.

S. S. 36047-1904. WASHINGTON. October 18, 1904.

I. T. D. 8194-1904.
Ing

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 31, 1904, you transmitted the record in the consolidated case involving the applications for the enrollment, of Isola Smith for herself; of Laurena Knall for herself; of Charlotte Smith for herself, and of Ida Kahler for herself, as Cherokee freedmen, including your decision of August 25, 1904, rejecting said applications.

Reporting in the matter September 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

[illegible]

Muskogee, Indian Territory, October 20, 1904.

Charlotte Smith,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated August 28, 1904, rejecting, amongst others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Tams Bixby,
Chairman.

Cherokee Freedmen
Kelle et al.

Muskogee, Indian Territory, October 21, 1904.

A. S. Mehan,

Attorney for Isela Smith, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of August 25, 1904, rejecting the applications for the enrollment of Isela Smith, Laurena Kelli, Charlotte Smith and Ida Kahler, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Tams Bixby.
Chairman.

Cherokee Freedmen
Bell, et al.

Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Tessie Smith, Lawrence Ewell, Charlotte Smith and Ida Kahler, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Tams Bixby.
Chairman.

[illegible] Commission [illegible] d or fail to [illegible] [illegible] by action [illegible] citizenship.

[illegible]

Such letter [illegible] for the enrollment of [illegible] freedmen. [illegible] notified on any [illegible] roll of the Choctaw Nation now in the possession [illegible] Commission, and must [illegible] it appear that he was [illegible] citizenship in the [illegible] nation by act of the [illegible] National Council or [illegible] citizenship, [illegible] the Commission to the Five Civilized Tribes under the [illegible] of the act of Congress approved June 10, 1896. This [illegible] notice to come under the provisions of the temporary injunction recently granted by Judge Gill of the United States Court for the Northern District of the Indian Territory [illegible] forbids the Commission, pending, consider or make any [illegible] of the applications of this character; consequently [illegible] the Commission within ten days from the enrollment [illegible] it should will be reported to the Commission for [illegible] [illegible] the provisions of the act of Congress approved May 31, [illegible] not provided.

"That said commissioner shall continue to exercise [illegible] authority heretofore conferred on it by law. But it shall not receive, consider, or [illegible] any record or any application [illegible] from for enrollment as a member of any tribe in [illegible] Territory who is not shown a recognized citizen thereof [illegible] by law, or claim or entitled as such, and the [illegible] of such applications shall be final when approved [illegible] Secretary of the Interior."

A copy of the record of the proceedings had in the matter [illegible] application of Dart Walker will be forwarded to the [illegible] of the Interior for consideration and review, and [illegible] applicant will be notified at a later date of the action [illegible] Department in the matter of his application.

[illegible] being first duly sworn, states that as stenographer to the [illegible] to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and [illegible] transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this January 24, 1902.

[illegible]

Commissioner.

citizenship under the provisions of said act.

Dart Walker

Cherokee Freedman.
Rejected, Dawes.
[Inquestion case.]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 30, 1900.

In the matter of the application of Bert Webber for enrollment as a Cherokee Freedman; being sworn and examined he testified as follows:

BY COMMISSION:

Q What is your name? A Bert Webber.
Q How old are you? A 26 years old.
Q What is your post-office address? A Tamaqua.
Q What district are you living in? A Cooweescoowee.
Q Do you apply for enrollment as a Cherokee Freedman? A Freedman, yes sir.
Q Do you apply for any one besides yourself? A No sir.
Q What is the name of your father? A Isaac Webber.
Q Is he living? A No sir.
Q Was he a Freedman? A He was a state man.
Q What is the name of your mother? A Delilah Webber.
Q Is she living? A No sir.
Q Was she a Cherokee Freedman? A Yes sir.
Q Where were you born? A I was born up near Brushy I believe.
Q Cherokee Nation? A Yes sir, about three miles from Choosteau.
Q How long did you live there? A I don't know, I lived there until my mother died, and she died when I was about five years old.
Q When did you go to then? A Up on the Verdigris up in Gooseneck.
Q How long did you stay there? A I have been living there ever since I went up there.
Q How much of your time have you spent in Arkansas ? A I have not been to Arkansas any to amount to anything.
Q Have you been there any at all? A I was there in '80, I was not living there, I was there in jail, I never lived in Arkansas, to live there.
Q Was that the last time you were there? A I was there along in September this last September.
Q Living there? A No sir.
Q What were you doing? A Just over in Ft. Smith.
Q Were you married? A No sir.
Q Have you ever been married? A No sir.
Q Have you ever been recognized as a Cherokee Freedman? A I have never been enrolled.
Q Never drawn any money? A No sir.
Q Is your name on any of the rolls? A No sir, I don't think it is.
Q Did you ever apply for enrollment? A No sir, I never did.
Q Did your father ever apply for enrollment? A No sir, I don't think he did.
Q Was your mother ever recognized? A Yes sir, I think she was on the first roll.
Q Was she born a slave? A Yes she, she never was out of the Nation

All the rolls of the Cherokee Nation in the possession of this Commission have been examined and the applicant is not found thereon.

Q Did you ever apply to the authorities for admission to citizenship? A No sir.
Q Did you ever apply to the Dawes Commission before? A Never did.

Records of the Commission made in accordance with the act of Congress approved June 10, 1896, examined, and fail to disclose that the applicant applied to the Commission for admission to citizenship under the provisions of said act.

Records of the Cherokee Nation examined and fail to disclose that the applicant was ever admitted to citizenship by action of the Cherokee National Council or Commissioner Citizenship.

BY COMMISSIONER:

Bert Webber applies for the enrollment of himself as a Cherokee Freedman. He is not identified on any of the tribal rolls of the Cherokee Nation now in the possession of the Commission, and neither does it appear that he was ever admitted to citizenship in the Cherokee Nation by act of the Cherokee National Council or Commissioner on Citizenship, or by the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved June 10, 1896. This application appears to come under the provisions of the temporary injunction recently granted by Judge Gill of the United States Court for the Northern District of the Indian Territory which forbids the Commission to receive, consider or make any record of the applications of this character; consequently the application which Bert Webber makes for the enrollment of himself will be reported to the Commission for rejection under the provisions of the act of Congress approved May 31, 1900, which act provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law, But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who had not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

A copy of the record of the proceedings had in the matter of this application of Bert Webber will be forwarded to the Secretary of the Interior for consideration and review,- and the applicant will be notified at a later dateof the action of the Department in the matter of his application.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 28,1902.

C. R. Breckinridge.

Commissioner.

FILED
JAN 10 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-R-816.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 14, 1904.

Supplemental proceedings in the matter of the application of Bert Webber for enrollment as a Cherokee Freedman.

On October 12, 1904 the applicant was notified by registered mail, and on October 28, 1904 the attorneys for the Cherokee Nation were notified by letter that the application for the enrollment of Bert Webber as a Cherokee Freedman would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee Indian Territory, on November 14, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this, the 14th. day of November, 1904, this cause coming on to be heard, pursuant to said notice, said applicant appearing by his attorneys, Blue & Bulger, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submit this case upon the evidence now of record.

H. M. Vance, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 14th. day of November, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes of said proceeding on said date.

H M Vance

Subscribed and sworn to before me this the 20 day of January, 1905.

J Mauphra
Notary Public.

Cherokee Freedmen 1-414.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bert Webber as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on January 20, 1902, Bert Webber appeared before the Commission at Muskogee, Indian Territory, and made application for his enrollment as a Cherokee Freedman. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on November 14, 1904.

The evidence in this case shows that the applicant, Bert Webber, was born since the close of the war of the rebellion and claims the right to enrollment through his mother, Delilah Webber, deceased, who is alleged to have been a Cherokee Freedman. The said Delilah Webber can not be identified upon the 1880 Authenticated Roll of the Cherokee Nation, and although ample opportunity has been given, the evidence introduced does not show that the said Bert Webber has any right to enrollment as a Cherokee Freedman.

The name of the applicant can not be identified upon any of the rolls of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission following the ruling of the Department in the case of Eliza Bryant (L.R.D.,

-2-

Decided, the application for the enrollment of Lewis Walker as a Cherokee freedman should be denied in accordance with the provisions of Section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

MAY 27 1905

FR 315

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

---

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

[illegible]

[illegible]

Dart Walker, et al

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision ___ to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

_____

_____

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Copy

No.

SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the

Bud Heller
C. F. R. 3/5

I, _____ do solemnly swear that I am _____ years of age and reside on the _____ day of _____ 190 ..., in the _____ Indian Territory. I served the within Subpoena on the within named _____ by then and there delivering a true copy of the same to said _____

Subscribed and sworn to before me this _____ day of _____ 190....

Copy

No.

SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Bert Walker
C F R-315

Copy

Department of the Interior,

Commission to the Five Civilized Tribes.

To Samuel Webber, Duncan Vann, Malinda webber,
Lewis Daniels

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muskogee in the Creek Nation, Indian Territory, on the 14 day of November 1904, to testify before said Commission in the matter of the application for the enrollment of Bert Webber, as a Cherokee Freedman.

Dated at Muskogee, this 13 day of September 1904.

(signed) Tams Bixby
Commissioner.

FILED
JAN 1902

CHEROKEE FREEDMEN

Muskogee I.T.

Date January 1, 1907

Examiner Langford

District Ok

1. Name Bert Webber — Age 20 — Citizenship

Owner's name of mother

Year — Page — No. — District

Parents

Father Iaggo Webber d — Citizenship U. S.

Mother Delilah Webber d — Citizenship C. N.

2. Name of child — Age

Owner's name — Citizenship

Year — Page — No. — District

Parents

Father — Citizenship

Mother — Citizenship

Name of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No!

Not on any roll

Stenographer M. D. Green

No Card

Injunction Released

Cherokee Freedmen

B-318

Muskogee, Indian Territory, July 6, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Bert Webber for enrollment as a Cherokee freedman, No. B-318 (old No Mem. 8), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not the applicant's mother, Delilah Webber, was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not she returned to the Nation within the time provided in the treaty of 1866. The applicant has therefore this day been directed to appear before the Commission at its offices at Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-M.

Muskogee, Indian Territory, July 6, 1904.

Bert Webber,

Lenapah, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced in support of your said application. It is especially desired that testimony be offered as to whether or not your mother, Delilah Webber, was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and returned to the Nation after the war within the time provided in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee at nine o'clock A. M. on Monday, July 25, 1904, and introduce testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

Cherokee Freedmen

E-C.L.

Muskogee, Indian Territory, August 9, 1904.

Bert Webber,

Lenapah, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced in support of your said application. It is especially desired that testimony be offered as to whether or not your mother, Delilah Webber, was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and returned to the Nation after the war within the time provided in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, September 12, 1904, and introduce testimony as above indicated.

Respectfully,

Registar. Commissioner in Charge.

Cherokee Freedman
A-148

Muskogee, Indian Territory, October 18, 1904.

Bert Webber,
Tenaqua, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced in support of your said application.

It is especially desired that testimony be offered as to whether or not your mother, Delilah Webber, was the slave of a Cherokee citizen at the commencement of the Rebellion, and returned to the Cherokee Nation after the war, within the time prescribed in the treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904, and introduce testimony as above indicated. At that time this case will be taken up for final consideration.

Respectfully,

SIGNED. T. B. Needles.
Commissioner in Charge.

Register.

Cherokee freedmen
D. C.

Pine & Reiger,

Attorneys for Bert Webber,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Bert Webber as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not the applicant's mother, Delilah Webber, was the slave of a Cherokee citizen at the commencement of the Rebellion, and as to whether or not she returned to the Cherokee Nation within the time provided in the treaty of 1866.

The said Bert Webber has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Monday, November 14, 1904, and introduce testimony as above indicated. At that time this case will be taken up for final consideration.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Register.

Cherokee Freedmen

S-94.

Muskogee, Indian Territory, May 27, 1908.

Fort Webber,

Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-94
Register

C.J.P.

Cherokee Enrollment

R-313.

Muskogee, Indian Territory, May 27, 1908.

Hubbard & Hulger,

Attorneys for Bert Webber,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the Decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of Bert Webber as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The Decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. 3-95
Register

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
B-218.

Muskogee, Indian Territory, May 27, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of Bert Webber as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. B-96

Cherokee Commission
Dockt.

Muskogee, Indian Territory, May 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Bert Webber as a Cherokee freedman, including the Commission's decision dated May 27, 1905, rejecting said application.

Respectfully,

Tams Bixby.
Chairman.

Incl. 3-97

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
6126-1908.

June 6, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 27, 1908, transmitting the record of the application for enrollment as a Cherokee Freedman by Bert Webber.

May 27, 1908, the Commission decided adversely to the applicant.

The record shows that the applicant was born since the close of the war of the rebellion and claims right to enrollment through his mother, Delilah Webber, deceased, who is alleged to have been a Cherokee Freedman. Delilah Webber is not identified on the 1880 authenticated Cherokee roll and the applicant is now identified on any tribal roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

Land.
61806-1908.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. July 21, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1908, transmitting the record of the application for enrollment as Cherokee Freedmen by Ida Johnson for herself and her minor children, Jennie, Willie, Mary L., Walter and Henry Duncan.

June 30, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicants have been denied enrollment as Creek Freedmen and the decision affirmed by the Department. It is further shown that after ample opportunity afforded the applicants have failed to establish that they possess any rights as Cherokee Freedmen, and they are not identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

W.C.F.
V.P.
[illegible]

D. P. [illegible]-1908.
I.T.D. [illegible]-1908.

LHS

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

October 10, 1908.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 29, 1908, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Mert Potter for his enrollment as a Cherokee freedman.

Reporting June 6, 1908, the Indian Office recommended that the Commission's decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) F. A. Hitchcock.

Secretary.

1 inclosure.

W.C.F.
V.P.
LLB

D. C. 42161-1906.
I.T.D. 9016-1906.
LBB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 14, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Ida Johnson for the enrollment of herself and her minor children, Jennie, Willie, Mary L., Walter, and Henry Duncan, as Cherokee freedmen.

Reporting July 22, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary.

1 inclosure.

Cherokee Freedmen

R-311.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 2., 1908.

Bert Webber,

Lenapah, Indian Territory.

Dear Sir:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 10, 1908.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

D-218.

Muskogee, Indian Territory, October 21, 1907.

Dave A Palmer,

Attorney for the Cherokee Nation,

Wichita, Indian Territory.

Gentlemen:

We are advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1906, rejecting the application of Mary Walker for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 10, 1906.

For your information there is inclosed herewith a copy of the letter referred to.

Respectfully,

Incl. S-275

Commissioner.

Transcribed by [illegible]

[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 31, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application of Bert Webber for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 10, 1908.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-276

[redacted]

D-881.

[redacted]

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, [redacted]

Bell, Hastings & Davenport,

Attorneys for the Cherokee [redacted],

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that [redacted] to the Five Civilized Tribes, dated [redacted], [redacted] the application for the enrollment of Ida [redacted], [redacted] Cherokee freedmen, was affirmed by the Secretary of [redacted] on October 14, 1905.

For your information, there is inclosed [redacted] Departmental letter referred to.

Respectfully,

[redacted]

[redacted]

[redacted]

Muskogee, Indian Territory, May 24, 1906.

Hise & Dodger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 28, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-3

Cherokee Freedmen
Enrlm.

Muskogee, Indian Territory, May 29, 1906.

Bert Webber,

Lenapah, Indian Territory.

Dear Sir:

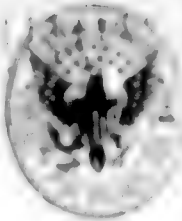
You are hereby advised that the motion filed by your attorneys September 7, 1906, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

MMP

BOSTON PUBLIC LIBRARY



Department of the Interior
Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TER.

REGISTERED
[illegible]
[illegible], IND. TER.

Registered No. 19/35

1082

Fort Wallace,
Indian Territory.

Char. Fr. R-316

Trans. from Char. Fr. Memo No 9

See Char. Fr. R-191, 312, 313, 314

Char. Fr. R-316

[illegible] the Indian [illegible] [illegible] [illegible] [illegible] will be [illegible] [illegible] [illegible] [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 29, 1906.

In the matter of the application of Ida Kahler for enrollment as a Cherokee freedman.

Applicant represented by A. S. McKay, Muskogee, I. T.

The said Ida Kahler being duly sworn, testified as follows:

By the Commission:
Q What is your name? A Ida Kahler.
Q How old are you? A 22.
Q What is your postoffice address? A Muskogee, I. T.
Q Are you living in the Creek Nation? A Yes, sir.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.
Q Do you apply for anyone besides yourself? A No, sir.
Q What is the name of your father? A Joseph Smith.
Q Is he living or dead? A Living.
Q Is your father a Cherokee or a state man? A State man.
Q What is the name of your mother? A Charlotte Smith.
Q Is she living? A Yes, sir.
Q Does your mother claim to be a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized as a citizen of the Cherokee Nation? A No, sir.
Q Have you ever drawn any money from the tribal authorities? A No, sir.
Q Did you ever apply to this Commission for admission to citizenship? A No, sir.
Q How long have you been living in the Cherokee Nation? Have you ever lived there? A I have been there, yes, sir.
Q How long at one time? A No definite time.
Q Simply visited there? A Yes, sir.
Q How long have you lived in the Indian Territory? A Four years.
Q Where were you born? A St. Louis, Missouri.
Q Did you live there continuously up until the time you came here four years ago? A No, sir, I was at different places.
Q Had you ever been in the Territory prior to that time? A To four years ago?
Q Yes, sir? A No, sir.

The tribal rolls of the Cherokee Nation examined and the name of the applicant does not appear of record thereon.

Q Did you ever draw any money from the tribal authorities? A No, sir.

The records of the Commission examined and fail to disclose that the applicant applied to the Commission for admission to citizenship in the Cherokee Nation under the provisions of the Act of Congress approved June 10, 1896.

The records of the Cherokee Nation examined and fail to disclose that the applicant was ever admitted tocitizenship in the Cherokee Nation by the tribal authorities.

Ida Kahler applies for the enrollment of herself as a Cherokee Freedman. She is not identified on any of the tribal rolls of the Cherokee Nation now in possession of the Commission, nor does it appear that she was ever admitted to citizenship in the Nation by the tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court on appeal. This application comes within the provision of the temporary injunction recently granted by Judge Gill of the United States Court for the Northern District of Indian Territory, which forbids this Commission to receive, consider, or make any record of applications of this character. Consequently the ap-

[illegible] which the Indian agent asks for the enrollment of [illegible] will be submitted to the Commissioner for reference under the provisions of the Act of February [illegible] May 25, 1908, which act provides:

"That said Commissioner shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Territory who has not been a bona-fide resident thereof and duly and lawfully enrolled as such, and no enrollment of such applications shall be final when approved by the Secretary of the Interior."

A copy of the record had in the matter of this application will be forwarded to the Secretary of the Interior for his review and consideration.

Arthur G. Crecelius, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, correctly recorded the testimony in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this first day of January, 1908.

Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Isola Smith as a Cherokee Freedman, consolidating the applications of--

Isola Smith,	Cherokee Freedman R-312,
Laurena Rsell,	Cherokee Freedman R-313,
Charlotte Smith,	Cherokee Freedman R-314,
Ida Kahler,	Cherokee Freedman R-315.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Isola Smith for herself; by Laurena Rsell for herself; by Charlotte Smith for herself; and by Ida Kahler for herself.

The evidence herein shows that the applicants, Isola Smith, Laurena Rsell and Ida Kahler are the children of the applicant Charlotte Smith; that they were born since 1866 and possess no rights to enrollment other than as descendants of the said Charlotte Smith.

The evidence further shows that the said Charlotte Smith was the slave of a Cherokee citizen at the commencement of the war of the rebellion, was taken out of the Cherokee Nation during said war and did not return thereto, and establish a residence therein, within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation.

None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Louis Smith, Lucinda Smith, Charlotte Smith and Ida Keller as Cherokee freedmen, should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,
this August 28, 1904.

B 77,399

COMMISSIONER OF PATENTS
FILED
JAN 20 1902
ACTING CHIEF

[illegible] of [illegible]

CHEROKEE FREEDMEN

Muskogee 15

Date: January 20

Enrolling: Muskogee

Dawes: Sick Motion

1 Name: Ida Fisher — Age: 21

Owner's name: — Citizenship:

Year: — Page: — No.: — Dawes: —

Parents:

Father: Geo Smith — Citizenship: Ch S

Mother: Charlotte Smith — Citizenship: C F

2 Name of wife: — Age:

Owner's name: — Citizenship:

Year: — Page: — No.: — Dawes: —

Parents:

Father: — Citizenship:

Mother: — Citizenship:

Names of children:

3. Year: — Page: — No.: — Dist.:
4. Year: — Page: — No.: — Dist.:
5. Year: — Page: — No.: — Dist.:
6. Year: — Page: — No.: — Dist.:
7. Year: — Page: — No.: — Dist.:
8. Year: — Page: — No.: — Dist.:
9. Year: — Page: — No.: — Dist.:
10. Year: — Page: — No.: — Dist.:
11. Year: — Page: — No.: — Dist.:
12. Year: — Page: — No.: — Dist.:

Application made by: No 1 — Stenographer: Della Cromagee

Not on any roll

Represented by A S McKea

No Card

Injunction Case

Cherokee Freedman

D-Ex.

Muskogee, Indian Territory, August 31, 1904.

Ida Kahler,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 26, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRae, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGN) Tams Bixby.
Chairman.

Encl. B-67.

Cherokee Freedmen

[illegible]

Muskogee, Indian Territory, August 31, 1904.

A. S. Mabry,

Attorney for Isola Smith, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 22, 1904, in the consolidated case of Isola Smith, et al., rejecting the applications for the enrollment of Isola and Charlotte Smith, Laurena Ragsdell and Ida Kohler as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Dixby.

Chairman.

Encl. S-68.

Cherokee Freedmen

Enrollment Application.

Muskogee, Indian Territory, August 23, 1904.

Hastings, Nell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 23, 1904, in the consolidated case of Isola Smith, et al., rejecting the applications for the enrollment of Isola and Charlotte Smith, Laurena Ezell and Ida Kohler as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Encl. B-69.

[redacted]

Muskogee, Indian Territory, August 31, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Isola Smith, et al., including the Commission's decision, dated August 25, 1906, rejecting the applications for the enrollment of Isola and Charlotte Smith, Lawrence Neell and Ida Kahler as Cherokee freedmen.

Respectfully,

Tams Bixby.

Chairman.

Encl. 5-70.

Through the

Commissioner of Indian Affairs.

(0 0 7 8)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, September 27, 1904.

Refer in reply to the following:

Land.

[illegible]-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 31, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Isola Smith for herself; by Laurina Knell for herself; by Charlotte Smith for herself, and by Ida Kohler for herself.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that Charlotte Smith was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and did not return thereto and establish a residence therein prior to February 11, 1867; that the other applicants are her children born since 1866, and possess no rights to enrollment except through her. None of their names is identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner
Acting Commissioner.

H.H.H.W.

(C O P Y)

W. E. F.

DEPARTMENT OF THE INTERIOR, I. P.

D C 39947-1904 WASHINGTON. October 28, 1904.FEB

I. T. D. 8194-1904.
LRG

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 31, 1904, you transmitted the record in the consolidated case involving the applications for the enrollment, of Isola Smith for herself; of Laurena Nasll for herself; of Charlotte Smith for herself, and of Ida Kahler for herself, as Cherokee freedmen, including your decision of August 25, 1904, rejecting said applications.

Reporting in the matter September 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-818

Muskogee, Indian Territory, October 28, 1904.

Ida Kahler,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision of August 25, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

Tams Bixby
Chairman.

Cherokee Freedmen
E-613 et al.

Muskogee, Indian Territory, October 20, 1904.

A. S. Mabry,

Attorney for Isola Smith, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of August 22, 1904, rejecting the applications for the enrollment of Isola Smith, Laurena Snell, Charlotte Smith and Ida Kahler, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 15, 1904.

Respectfully,

Tams Bixby.
Chairman.

Cherokee Freedmen
S-318, et al.

Muskogee, Indian Territory, October 24, 1904.

Bell, Hastings and Defenbaugh,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 20, 1904, rejecting the applications for the enrollment of Ipola Smith, Lemuma Snell, Charlotte Smith and Ida Kahler, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Tams Bixby.
Chairman.

Trans. from Char. Fr. Memo 10

See Char. Fr. R-320-321

Char. Fr. R-317

Department of the Interior,
Commission to the Five Civilized Tribes
Vinita, I. T., October [illegible] 1901.

In the matter of the application of Tenny Vann for the enrollment of himself and five children as Cherokee Freedmen, he being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of himself:

Q What is your name? A Tenny Vann.
Q How old are you? A 38
Q What is your post office address? A Tenna.
Q In what district do you live? A Sequoyah.
Q Do you want to make application for enrollment as a Cherokee freedman? A Yes sir.
Q Who else do you make application for besides yourself? A My wife and five children.
Q What is your wife's name? A Dissie
Q How old is she? A 26
Q What are the names of your children? A Elijah
Q How old? A 18.
Q Next? A Tilda.
Q How old? A [illegible]
Q Next? A Orra
Q How old? A 8
Q Next? A Colwest.
Q How old? A 6
Q Next? A Pink.
Q How old? A 3
Q Are these children all living at this time? A Yes sir.
Q living with you? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a freedman? A No sir.
Q Is your name on any of the rolls? A No sir.
Q Is your wife's name on any of the rolls? A No sir.
Q Did you ever draw money from the Cherokee Nation? A No sir.
Q What is your father's name? A I don't know
Q What is your mother's name? A Charlotte.
Q Is she living? A No sir.
Q How long has she been dead? A Y Ever since '70
Q Is your wife's father living? A No sir.
Q Do you know his name? A No sir.
Q What is her mother's name? A I dont know
Q Is she linging? A No sir.
Q Where were you born? A In Alabama
Q Were you a slave? A Yes sir, I guess so.
(By Hastings)
Q Do you claim citizenship through your own right or through your wife? A Through me.
Q You were born in Alabama? A Yes sir.
Q 38 years old? A Yes sir.
Q You were born then in '63? A Yes sir I guess so.
Q Your wife then don't claim citizenship only through you ?A I married her. She was carried out of Flint district and she dont make any claim at all, she dont know her people.
Q Did you make application to the Kern-Clifton Commission five years ago? A I was there but my witnesses didn't come.
Q Did you put in your application there? A No sir.
Q What point were you at before the Commission?
A I was at Salisaw
Q Wasn't Joe Bruner there? A No sir.
Q Wasn't Jerry Vann there? A No sir.
Q Wasn't Chalrey Chambers there? A No sir.
Q Wasn't they all there at Fort Gibson? A No sir, and when I got there you had your twentyfive cases to work out and they left there after that.

Q Then you never got any application in? A No sir.
Q How old were you when you came to the Cherokee Nation? A I was a little bit of a feller I guess.
Q Can you remember about it? A I remember coming here.
Q Then you ought to remember about how old you were when you came here? A About 6 or 7 years old.
Q Did you come on the train? A No sir, we came first to Mississippi and then they brought me by way of Kansas. My mother was toting her old boss.
Q When did you come here? A In '66 from Kansas.
Q Was that the first time you were ever here? A Yes sir.
Q I thought you said you were 6 or 7 years old when you came here?
A Yes sir, when I came from Kansas.
Q Can you remember anything about coming from Kansas-- any of the incidents along the way? A No Sir.
Q Do you remember who came with you? A My mother.
Q Who else? A I don't know nobody else.
Q Did you have any other members of your family there? A At that time?
Q Yes, any brothers or sisters? A One sister.
Q What is her name? A Millie Johnson, then.
Q What is her name now? A White.
Q She lives in Sequoyah? A Yes sir.
Q Where were you in the Cherokee Nation when you were first old enough to remember? A Fort Gibson.
Q When was the first time you ever saw Joe Bruner? A In Kansas
Q You saw him in Kansas? A Yes,sir, the old lady said he was there, I cant recollect.
Q When did you next see him in the Cherokee Nation? A In Sequoyah
Q How old were you then? A Pretty good chunk of a boy then.
Q 10 or 12 years old? A Yes sir.
Q When did you first see Jerry Vann? A In Sequoayah when I was a good chunk of a boy.
Q When you were about 10 or 12 years old? A Yes sir.
Q When did you first see Charley Chambers? A In Fort Gibson.
Q How long had you been there before you saw him? A I saw him there all the while.
Q When did your mother die? A In '70
Q Where A Choctaw Nation.
Q How long did you live in the Cherokee Nation, in Fort Gibson after you came there after the war? A We came in '66.
Q How do you know it was '66? A My mother said it was and we left there in '68; we was hunting her sister and we went to the Choctaw Nation and she died there and she left me with my aunt and I run off and came back here.
Q When did you come back here? A In '73
Q Was it after you come back that you saw Joe Bruner and Jerry Vann?
A Yes sir.
Q Did you see Charley Chambers before that? A Yes sir in Fort Gibson.
Q Where have you been living for the past twentyfive years?
A First here and then in the Choctaw nation.
Q When you come back here in '73 where did you come to? A I was with Sandy William.
Q Where did he live? A. Below old man Tom Smith's
Q Was that in Little River County, Arkansas? A No sir in the Nation
Q What part of the Nation? A Cherokee, near Cherokee, near the Arkansas line.
Q Who was keeping a store in Cherokee then? A None there at all.

Q How far from Cherokee did it that you lived? A [illegible].
Q North or south? A South.
Q Was the railroad there then? A Been there.
Q How long did you live there? A I never lived there, just stopped there a while, and then would go to town.
Q To Fort Smith? A Yes sir and then this up here.
Q Where were you married? A I was married down in Arkansas.
Q What place in Arkansas? A Place called Wahsaque (Spelled from the sound uttered by witness which was very indistinct)
Q When were you married? A I was married the last time in '68
Q Where was Elias born? A In the Cherokee Nation.
Q Where was Tilda born? A Same place.
Q Where was Orra born? A Here in Sequoyah district.
Q Where was the next one born? A He was born there.
Q The next one? A He was born there.
Q How long after Orra was born did you come to the Cherokee Nation?
A I was here.
Q I mean before he was born? A 3 or 4 months, I was here and then my wife come.
Q What is your post office? A Benge.
Q How long has it been your post office? A For the last 8 or 10 years.
Q And that is all the time that you have lived in this country isn't it? A I have been here before that.
Q When we were at Fort Gibson for the second trip, last month why didn't you put in your application? A My witnesses wasn't there.

(By the Commission)

Q Was your mother a slave? A Yes sir.
Q Who did she belong to? A Ben Johnson, she said.
Q What was her name? A Charlotte Johnson
Q Do you know anything about her being taken out of the Cherokee Nation during the war? A No sir.

CHARLEY CHAMBERS being first duly sworn by Commissioner T. B. Needles, testified as follows for the applicant:

Q What is your name? A Charley Chambers
Q How old are you? A 70
Q What is your post office address? A Hudson
Q Do youm know the applicant Yancy Vincent? A Yes sir.
Q How long have you known him? A Ever since about '66
Q You first knew him in '66 did you? A Yes sir.
Q Where? A Fort Gibson.
Q Did you know his mother? A Yes sir.
Q What was her name? A Charlott
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Ben Johnson.
Q Was he a Cherokee citizen? A Yes sir.
Q When did you first see his mother? A That was where I saw her, in '66 when I came from Fort Smith to Tahlequah, and she was inquiring of me of Ben Johnson, that is all I know about it.
Q Did you know her before the war? A No sir.
Q Just knew her then? A Yes sir.
Q How do you know she was a slave of Ben Johnson then? A She told me she was.
Q Is she living? A I dont know for certain, I dont think so.
Q When did she die? A I dont know.
Q Have you known this applicant ever since '66? A Yes sir, I have seen him often and on in the Cherokee Nation ever since.
Q Do you know his children? A No sir.
Q ~~[illegible]~~

(By Hastings)

Q Do you know where his mother died? A No sir.
Q Do you know where this man was married? A No sir.
Q Didn't you marry him? A No sir.
Q Wasn't he married in your house? A No sir.
Q Do you know his wife? A No sir.
Q Ever see her? Not to know of.
Q What time of the year was it you saw this fellow first?

Q I see here with the mother?
Q Was you also with them? A Yes sir, she was going on her way and I was going on my way and met her in the street.
Q That was the first time you ever saw her? A Yes sir.
Q Did she have any other children with her besides this boy?
A If she did I didn't see it.
Q Never had seen with her? A No sir.
Q How long did you see her around Fort Gibson there? A Some after that.

Q How long after that? A 2 or 3 years.
Q Did you ever see her after that? A No sir, but I saw the boy.
Q You dont know where she died? A No sir.
Q And you come here and swear that you met a stranger for the first time in the street 36 years or more ago and you can remember that this man here is the boy she had with her then? A I remember it and I remember the boy all right.
Q How old was the boy then? A 7 or 8 or 9 years old.
Q Able to get along? A Yes sir
Q What time of the year was that that you saw them? A In the fall
Q In the fall? A Yes sir.
Q Where did you next see the boy? A Next I seed him I seed him there on Four Mile Branch.
Q Who was he living with there? A Just saw a lot of boys there together.
Q When was that? A That was the next year after I seed him with his mother.
Q Was his mother dead then? A I never asked him.
Q He was a good big boy then was he? A Yes sir a good big boy.
Q 9 or 10 years old? A Somewhere there, 8 or 9.
Q You feel positive about that do you? A Yes sir, I know I am positive about that.
Q Where did you next see him? A Up here on the Virdigris river.
Q When was that? A That has been 7 or 8 years ago.
Q He wasn't married then was he? A I don't know I didn't ask him.
Q When did you next see him? A I don't know where I next saw him/ I dont know as I ever saw him anymore until I saw him here.
Q You only saw him at Fort Gibson, Four Mile Branch, ont the Virdigris river and here? A Yes sir.
Q You never was at his house? A No sir.
Q Dont even know where he lives? A No sir.
Q Never saw him or his mother before the war? A No sir, not that I know of.
(By the Commission)
Q You say you dont know anything about the mother of this applicant being a slave only what she told you? A Yes sir that is all

JOE BRUNER being first duly sworn by Com'r. T. B.Needles testified as follows ~~for the~~ before the Commission in favor of the applicant:
Q What is your name? A Joe Bruner.
Q What is your age? A 65
Q What is your post office address? A Benge.
Q Are you a Cherokee freedman? A I claim to be
Q Do you know Yancy Vincent? A Yes sir.
Q How long have you known him? A I knew him in '63.
Q Where? A Fort Scott Kansas.
Q Where did you next see him? A Next I saw him was in ~~XX~~ '74.
Q Where? A In Sequoyah district.
Q Do you know the applicant's mother? A Yes sir.
Q What was her name? A Charlott
Q Was she a slave before the war? A She said she was.
Q Who did she say she belonged to? A Ben Johnson
Q Where did you first see her? A Fort Scott
Q Where the next time? A I never seen her any more , as I know
Q You say the last time you saw him was in '73 or '4? A Yes sir
Q Have you never seen him since? A Oh yes sir.
Q Well how long have you known him continuously? A For the past nine years
Q Do you know where he was born? A I dont think she told me, she said they had come from Corinth, Mississippi.

Q The first time you ever saw her was in Fort Scott Kansas? A Yes sir.
Q Never knew her in the territory at all? A No sir
(By Hastings)
Q And you have only known him continuously for the past 9 years
A Yes sir.
Q You dont know where he was married? A No sir.
Q You dont know where his first two children were born? A No sir
Q He has only been living at Sango for the past nine years? A Yes sir.

JERRY VANN, being first duly sworn by Com'r. T. B. Needles, testified as follows for the applicant:

Q What is your name? A Jerry Vann.
Q What is your age? A 47
Q What is your post office address? A Sango
Q Are you a Cherokee freedman? A Yes sir
Q Is your name on the authenticated roll of 1880? A Yes sir
Q Do you know Yancy Vincent? A I have known him a good while.
Q When did you first get acquainted with him? A In '80
Q Did you know his mother? A No sir.
Q Have you known him ever since 1880? A Yes sir.
Q Where has he been living from 1880 up to this time? A In Sequoyah district, Cherokee Nation.
(By Hastings)
Q Where was he married? A I dont know.
Q Do you know where his first two children were born? A No sir.
Q How long have you known him continuously? A Since 1880
Q So he has lived there for the past 20 years has he? A Yes sir right close to me.
(By the Commission)
Q You dont know anything about his mother? A No sir

BY COM'R NEEDLES: Yancy Vincent applies for enrollment of himself and his five children as named in the testimony, he having withdrawn his application for his wife. He and his children cannot be identified on any of the rolls of the Cherokee Nation. He avers that he is the child of on Charlott Johnson and that his mother was a slave belong ng to one Ben Johnson, a Cherokee citizen before the war. He makes no satisfactory proof as to the citizenship of his mother and as to his residence reference is made to the testimony herein. The said Yancy Vincent and his five children will be listed as Cherokee freedmen on a doubtful card. It will be necessary for him to make satisfactory proof as to the birth of his five children their names not appearing on any of the rolls.

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Chas von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reportes in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein

(Signed) Chas.vonWeise

Subscribed and sworn to before me this the 31st of October 1901.

(Signed) T. B. Needles
Commissioner.

Lucy M. Bowman being first duly sworn states that as stenographer to the Comm ission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 28 day of July, 1904.

Charles H. Lamy
Notary Public.

[illegible]

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 12, 1906.

In the matter of the application of Millie White for enrollment of herself and child as Cherokee Freedman.

The said Millie White being duly sworn, testified as follows:

By the Commission:

Q What is your name? A My name is Millie White, I used to----
Q What is your name now, right now, what is your name? A Millie White, now
Q How old are you? A I don't know my age.
Q About how old? A Well, about forty-eight, I think.
Q What is your post-office address? A It's Sango.
Q Sango? A Yes sir.
Q What district are you living in? A Sequoyah.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes sir
Q Do you apply for a home besides yourself? A Yes sir.
Q How many children have you? A Five.
Q Are they all under 21 years of age? A No sir, they aren't under twenty-one.
Q Have you any under 21 years of age? A Yes sir.
Q What's the name of the oldest one under 21? A She's 14.
Q What's her name? A Her name is Annie.
Q Annie White? A Annie Thomas now.
Q Is she married? A Yes sir.
Q Well she will have to apply for herself. Have you any children at home that are unmarried? A Yes sir.
Q How old is the oldest? A She's about 14 I think
Q What's her name? A Viola White.
Q What's the name of the next child? A That's the only one I got unmarried
Q This is the only child you have at home unmarried? A Yes sir
Q How old is this child? A She's about 14 I think.
Q Is she living? A Yes sir.
Q What's her father's name? A Gib White.
Q Is he living? A Yes sir.
Q Is he a state man? A Yes sir
Q What's the name of your father? A I don't know, sir.
Q What's your mother's name? A My mother's name is Charlotte
Q Charlotte what? A Charlotte Johnson.
Q Is your mother living? A No sir.
Q Is your name on any of the tribal rolls of the Cherokee Nation?
A No, sir.
Q Have you ever drawn any money from the Cherokee Nation?
A No sir.
Q Have you ever applied for admission to citizenship in the Cherokee Nation; did you ever try to be enrolled? A Yes sir, I went to be enrolled three times; went to Sallisaw here about----
Q About six years ago? A Yes sir, I reckon.
Q That was when the Kerns-Clifton payment was made; they rejected you? A Yes sir, I did apply, but I couldn't get my witnesses.

They didn't pay you any money? A. No, sir.
You have never drawn any money here? A. No, sir
Your name is not on any of the rolls? A. No sir.
You have never been recognized as a citizen at all?
No sir, I never have been.

The tribal rolls of the Cherokee Nation examined and neither the applicant nor her child are identified thereon. The records of the Cherokee Nation examined and fail to disclose that either the applicant or her child were ever admitted to citizenship in the Nation by an act of the Cherokee National Council or Commission on Citizenship.

Willie White applies for the enrollment of herself and her daughter, Viola White, as Cherokee Freedmen. Neither the applicant nor her child are identified on any of the tribal rolls of the Cherokee Nation now in possession of the Commission. Neither does it appear that they were ever admitted to citizenship in the Nation by an act of the Cherokee National Council or Commission on Citizenship. This application comes within the provisions of the temporary injunction recently granted by Judge Joseph Gill, Judge of the United States Court for the Northern District of Indian Territory, which forbids this Commission to receive, consider, or make any record of applications of this character. Consequently the application which Millie White makes for the enrollment of herself and her daughter, Viola White, will be reported to the Commission for rejection under the provisions of the Act of Congress approved May 31, 1900, which act provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

A copy of the record of the proceedings had in the matter of this application will be forwarded to the Secretary of the Interior for his review. The applicant wil be notified at a later date of the action of the Department with regard to her application.

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Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly

recorded [illegible] and presented as in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger

Subscribed and sworn to before me this 22nd day of January, 1908.

(Signed) [illegible] H. Keefer
Commissioner

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Lucy M. Downing, being first duly sworn, states that as stenographer to the Commission to the five civilized tribes she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Lucy M. Downing

Subscribed and sworn to before me this 14th day of March, 1908.

[illegible]
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I.T., January 22, 1902.

Stenographic testimony in the matter of the application of Yancy Vincent for the enrollment of himself and children as Cherokee Freedmen.

By the Commissioner:

Q What is your name? A Yancy Vincent.
Q How old are you? A 28.
Q What is your postoffice address? A Bonge.
Q You have previously made an application to this Commission for the enrollment of yourself and children as Cherokee Freedmen, have you? A Yes, sir.
Q Neither you nor your children are identified on any tribal rolls? A No, sir.
Q You have never drawn any money from the Cherokee Nation? A No, sir.

Under the provisions of the temporary injunction recently granted by Judge Joseph Gill, Judge of the United States Court for the Northern District of Indian Territory, this Commission is without authority to receive any further testimony in the matter of the application made by said Yancy Vincent for the enrollment of himself and children for the reason that neither the applicant nor any of his children are identified on any of the tribal rolls of the Cherokee Nation now in the possession of this Commission.

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Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of January, 1902.

(signed) T. B. Needles,

Commissioner.

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and for-egoing copy and that the same is a true and correct copy of a document on file with the Commission in Cherokee Freedmen D-1088.

Edith L. Morey

Subscribed and sworn to before me this the 27th day of July 1904.

Clarence H. Lawson
Notary Public.

Q What is your present postoffice address? A Garrison, I.T.
Q It appears that in your original application for enrollment as a [illegible] that your name is correct.
Q What is the correct spelling of your name? A Y-a-n-c-y V-i-n-s-o-n.

o-o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. M. Vance.

Subscribed and sworn to before me this 28th day of April, 1904.

(Signed) Charles H. Sawyer,
Notary Public.

COMMISSION TO FIVE TRIBES
APRIL 1904
FILMED

Edith K. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith K. Morey

Subscribed and sworn to before me this 2 day of July, 1904.

[illegible]
Notary Public.

Cherokee Freedman [illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April [illegible], 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application of Nancy Vinson for the enrollment of himself and others as Cherokee freedmen.

It appears that on the 13th day of April, 1904, the applicant and the attorney for the Cherokee Nation were each duly notified by letter that an opportunity would be given them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 27, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Applicant appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

ANDERSON TATUM, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Anderson Tatum.
Q How old are you? A 69 next December sometime.
Q What is your post office address? A Benge, I.T.
Q What district do you live in? A Sequoyah.
Q Do you claim to be a Cherokee freedman? A No, sir.
Q State man? A Yes, sir.
Q Do you know the applicant here, Yancy Vinson? A Yes, sir.
Q How long have you known him? A I have knowed him 40 odd years.
Q How long have you lived in the Cherokee Nation? A Off and on I have lived in the Cherokee Nation, well, back and forwards, have been through it about 40 some odd years, ever since that Mission was built North up here, I hope build it.
Q Did you know Yancy Vinson's mother? A Yes, sir.
Q When did you first get acquainted with her? A It has been, to the best of my knowledge, 30 some odd years.
Q Did you know her before the Civil War? A No, sir.
Q About how long after the war did you first know her? A About 7 or 8 months, I su pose, would not be positive.
Q You don't know, then, whether or not she was the slave of a Cherokee citizen before the war? A She was said to be.
Q You don't know that of your own knowledge? A No, sir, only what I was told.
Q How long after the war was it when you first saw her? A 6 or 7 months, I guess, I wouldn't be positive.
Q Where was she then? A She was in Alabama when I first saw her.
Q In the state of Alabama? A Yes, sir.
Q Was this boy born at that time? A Yes, sir.
Q Was he living there with her? A Yes, there was two.
Q In the State of Alabama? A Yes, sir, this boy and his sister.
Q How long did they continue to remain there from the time you first saw them after the war? A In Alabama, it was about six or seven months after the war?, maybe longer, they lived there. I wouldn't be positive, along in the first part of '67 or '66, I wouldn't be positive.

Q You don't know where they went? A Yes, sir.
Q Where? A They, went, I was with them to Corinth, Mississippi, and the next time I saw them was right down here at Fort Gibson.
Q Do you know about how long after the war it was that you saw them at Fort Gibson?A It was about two or three months after the six or seven months, when I saw them again.
Q When you first saw them in Alabama, about seven months after the war, and you next saw them in the Cherokee Nation about three months from that time? A I saw them about three months after they got here; it was six or seven months, maybe longer, when I saw them in Alabama, and they was here about three months when I saw them.
Q How long after the war was it when you first saw them here at Fort Gibson? A It must have been about eight or nine months, maybe longer, I couldn't be positive, I couldn't testify exactly the time.
Q Do you know whether or not this applicant's mother had ever lived here in the Cherokee Nation before that time? A No, sir, I don't, only what I have been told.
Q Did you know Yancy Vinson's father? A No, sir, don't know him.
Q Have you known Yancy Vinson continuously since the time you saw him in Fort Gibson about eight or nine months after the war, as you say? A I have saw him off and on ever since.
Q Do you know where he was living all the time?A No, sir, not altogether, he went to Fort Scott, I believe, and then back, so they said. I wasn't with him, and from that on I have known him for about 12, 13 or 14 years.
Q You don't know then of your own knowledge, of his whereabouts except for the last 13 or 14 years? A Not all the time.
Q When you would see him would he be living in the Cherokee Nation?
A So he said.
Q You don't know, yourself?A No, sir, sometimes I would see him in Fort ~~xxxxx~~ Smith, and sometimes in the Cherokee Nation, but that was said to be his home in the Cherokee Nation.
Q How long did his mother live, if you know, after ~~xx~~ you saw her at Fort Gibson the first time? A I don't know.
Q Don't know where she lived? A No, sir.
Q Don't you know whether she continued to live in the Cherokee Nation until her death? A No, sir.
Q Is this applicant, Yancy Vinson, married?A Yes, sir.
Q What is the name of his wife? A His wife is named Elizabeth or Lizzie, Lizzie, I believe.
Q Do you know his family, how many children he has?A Yes, sir, I could count them up to you? A Sometimes can't count them all; got so many. Elijah is one, can't half the time think of their names; Matilda is another; Tootsy, I reckon that the nickname; that's what I call her, is another.
Q Is that the third one? A I call it Tootsy; no, sir, I believe the third one is Carl. I believe Tootsy is the one they call Oris.
Q Then you can't testify of your own knowledge as to the residence of Yancy Vinson, except for the last 13 or 14 years? A Yes, sir, that's it.

By Mr. Hastings:
Q You are a freedman, but not a Cherokee freedman? A Yes, sir.
Q You know George W. Vann, down in Sequoyah district, do you, also a colored man?A Yes, sir.

Q You testified for complainants of his in a number of cases, haven't you? A I don't know that I did, I don't remember it, not a one, I guess, or two.
Q Well, people that he got to apply down in there, you testified for a number of them, didn't you? A I don't know whether they got him or not, I have testified for people down there, but I didn't know he got them.
Q You knew he was interested in them didn't you? A I believe he was a witness.
Q What were you doing in Alabama? A I was born there the other side of Alabama, and I steamboated and travelled a good deal.
Q What town in Alabama did you know this boy's mother? A Tuscumbia.
Q How big a town is Tuscumbia? A I don't know; a pretty good little sized place.
Q How many population? A I don't know, wasn't there long, can't tell.
Q Was it on a river? A I believe there is a little river right close there, but I don't know that it is on a river.
Q What is the name of the river right close there? A I don't know.
Q Is Tuscumbia in the Northern or Southern part of Alabama? A In the southern part, I think. My home would be close to Huntsville, there, was acquainted there more than at Tuscumbia.
Q How long did you stay at Tuscumbia? A I never stayed there but about, I don't remember now exactly how long.
Q You are not willing to be pinned down to dates or anything definite are you? A Can't do that that, unless I knew exactly the facts, and -----
Q You are particular about your oath, aren't you? A I don't want to say anything only what's right.
Q What year is this? A This is 19--- less see, 1904, I believe.
Q You are certain? A No, sir, but I think that's right.
Q Where was this woman living in Tuscumbia when you first saw her?
A When I first saw her she had been living with a man by the name of Vinson.
Q Had you known Vinson before that ? A No, sir, only what I had been told.
Q You never knew him yourself? A No, sir, I did not know him.
Q Did you say you came with him over to Mississippi? A Yes, sir, to Corinth.
Q Is Corinth on a river or what? A Corinth , Mississippi, is right close to the Mississippi river not very far.
Q How long did you stay at Corinth? A We stayed at Corinth three or four or five days.
Q Then where did you go? A Come right on through to Vicksburg, I did, and then from there right on down----
Q Did you and this woman separate at Corinth? A Yes, sir, and then next I saw them there at Gibson.
Q You went to Vicksburg? A Yes, sir.
Q How did you go? A On a boat down the river and got off the boat. I steamboated nearly eight years.
Q You don't know how this woman come from Alabama? A Only what I have been told.
Q Where did you come to from Vicksburg? A We come up to a place called, I forget the name of the town, Napoleon, I think, seems like they called it.
Q How long did you stay at Napoleon? A Not long, so we come right come out of the Mississippi River into another river, and then into the Arkansas river.

Q Where did you come to, Fort Smith? A Yes, sir, and then to Fort Gibson.
Q Did you stop at Little Rock? A Yes, sir.
Q How long?A Not long, Boat didn't stay there long.
Q Then you came on up to Fort Gibson?A Yes, sir, Fort Smith, and then Fort Gibson.
Q You come by boat? A Yes, sir.
Q Where did you see this woman near Fort Gibson? A A man by the name of Johnson.
Q What was his first name? A Aaron.
Q Where did he live from Fort Gibson? A They lived at out beyond Fort Gibson, can't exactly remember the place, can't tell.
Q Were you at Aaron Johnson's? A Yes, sir, I have been out to his house.
Q At the time you speak of?A Yes, sir.
Q What kind of a house did he live in? A Log house or shanty.
Q Any rivers or creeks out there?A Yes, sir, there is creeks, several of them.
Q On whose place did Aaron Johnson live? A Can't tell. I supposed it to be his, but don't know.
Q How long did you stay out there?A I stayed there several days.
Q What was Aaron Johnson's wife's name? A It was Sarah, I think, not certain.
Q Did they have any children? A There was some there, but I don't know whether they were his. There was one there, a yellow boy, but I don't know what his name was. I I think they called him Dick or Nichols.
Q Was this applicant's father there at the same time? A I never seen his fatherin my life.
Q Was this man married at that time? A He was nothing but a boy when I first saw him, his face was slick.
Q About how old was he?A I couldn't tell you.
Q What is your best judgment about how old he was? A Not knowing, I couldn't say.
Q You saw him and you can tell how old he appeared to be, can't you?A I couldn't tell his age, I never paid much attention to peoples' age then.
Q This question is getting porter of a tender point with you and you----- A I don't know and I aint guessing.
Q You are guessing about how long after the war it was you saw them and can't you guess about this? A I know when we were turned loose.
Q You saw this boy and you can form some sort of an idea about whether he was 21 years old or not? A Couldn't tell.
Q Was he one month old or nearer 20 years old? A He was nearer 20 years than one month old.
Q Do you think he was 10 or twelve years old? A Somewhere there, maybe older.
Q Might have been older? A Yes, sir, I never did ask his age; there was mighty few who knowed their ages.
Q I am asking you about your best judgement? A Somewhere along there, might have been older.
Q About 10 or 12? A Yes, sir, somewhere along there.
Q That is your judgment? A Yes, sir.
Q A good big boy? A Yes, sir.

Q Almost half grown? A Couldn't say that.
Q He was about that old and about that large when you first knowed him? A Yes, sir, somewhere along in there, couldn't be for certain.
Q You didn't go with them, then from Corinth any further? A Corinth, Mississippi.
Q Say so if you didn't? A No, sir, I didn't.
Q When did you next see his mother after you saw her at Port Gibson? A I haven't saw her since.
Q Haven't seen her since? A No, sir, have heard of her, but haven't seen her.
Q Did you ever see him since? A Yes, sir, and his sister.
Q When did you see him next? A I saw him off and on ever since.
Q When did you see him next? A I don't know exactly.
Q About how long? A Might have been a year or two years, somewhere along there, a year and a half.
Q Where did you see him? A Down by Fort Smith.
Q At Fort Smith? A Yes, sir, with an old fellow, I forget his name now.
Q What was his name? A I forget his name.
Q Was he married then? A No, sir.
Q Do you know where this man was married? A No, sir.
Q Do you know where these children of his were born? A No, sir, only what I have been told.
Q Never have been to his house? A Yes, sir, lots of times.
Q When ? A Off and on ever since he moved to Sequoyah.
Q When was that? A 12 or 13, wouldn't be positive.
Q Days or months? A Years, maybe longer.
Q That is the first time you ever saw him in the Nation, isnt it?
A No, sir, I told you a while ago.
Q Did anybody live over there in the neighborhood with Aaron Johnson? A Yes, sir, several.
Q Who can you name that lived there that is living today?
A An old woman by the name of Polly something, I disremember her name; wasn't acquainted with her; saw her here and at Port Gibson lots of times? Then another family lived in there, I forget their names now, but I think Starrs.
Q Starrs? A Yes, sir.
Q One of them was a Barbara Starr? A It might have been, I don't know; it was a Starr, I don't know the other name. Then there was another family lived in there called Ross.
Q Who? A Ross.
Q Don't know the first name? A No, sir.
Q Don't you know those Starr niggers wasn't brought back here until the fall of '67? A I think they were Starrs; wouldn't be positive. I think they were Starrs, and a woman named Polly, I forget her other name, and then several I saw if I could think of them.
Q Aaron Johnson is dead, isn't he? A I have heard so.
Q That is the reason you picked him as the man where you saw this applicant? A No, sir, I knowed Aaron Johnson like a book, just as good as I knowed anybody.

YANCY VINSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Yancy Vinson.
Q How old are you? A Going on 44.

Q. What is your present postoffice address? A. Garvin, I.T.
Q. It seems that in your original application for enrollment as a Choctaw freedman your name was spelled in the testimony, V-i-n-c-e-n-t, is that correct? A. Yes, sir, that name's correct.
Q. What is the correct spelling of your name? A. V-e-n-c-e-n-t.

0-0-0-0-0-0-0-0-0-0

N. W. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) N. W. Vance.

Subscribed and sworn to before me this the 28th day of April, 1904.

(Signed) Charles M. Sawyer,
Notary Public.

Examined and
Filed

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 27 day of July, 1904.

Charles M. Sawyer
Notary Public.

Cherokee F R: 317, 320 & 321.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JULY 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of MILLIE WHITE, ET AL., JIM M. WHITE, ET AL., and MARY WHITE, as Cherokee freedmen.

It appears that on July 6, 1904, the principal applicants and the attorney for the Cherokee nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on this day and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants appear in person.
Cherokee nation by its attorney, James T. Davenport.

MILLIE WHITE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Millie White.
Q How old are you? A I better say about, I don't know hardly, just as I told you before.
Q When you applied before this Commission on January 22, 1902, you said you were about 40? A What would that make me now?
Q About 50 now. A I guess so, yes, sir.
Q You applied for enrollment as a Cherokee freedman? A Yes, sir.
Q And for the enrollment of yourchild, Viola? A Yes, sir.
Q What is your present postoffice address? A Benge.
Q What district do you live in? A Sequoyah.
Q What is the name of your father? A I don't know, sir; I think they said Jeans.
Q Do you know anything about whether or not he was a Cherokee freedman? A No, sir, I don't.
Q What was the name of your mother? A Charlotte Johnson.
Q Is she living? A No, sir.
Q Was she a Cherokee freedman? A Yes, sir.
Q When did she die? A She died when I was small, directly after she brought us out here.
Q Did she die before the war? A No, sir.
Q After the war? A Yes, sir, after the war.
Q Where were you living when the war came up? A In Alabama, when the war came up.
Q Who did you belong to at that time? A Annie Johnson, Ben Johnson's wife.
Q Was she a citizen of the United States, a white woman? A No, sir, she was a Cherokee; the man that we were staying with told my mama to come home to the Cherokee Nation.
Q So you claim to have been the slave of a Cherokee citizen residing in the State of Alabama when the war came up? A Yes, sir.
Q When did you first come to the Cherokee Nation? A They sent us to the Cherokee Nation just before the war ended.
Q Did you know what year that was? A No, sir, I couldn't tell the year it was, now; it was before the war ended, because he took his niggers and went away and sent these home.

Q. To what part of the Cherokee Nation did you come? A. We came to Gibson, through Kansas, and came on down to Gibson.
Q. Have you lived in the Cherokee Nation ever since that time? A. Yes, sir, been off and gone; sometimes I was out; I was married to a white man and he travelled about and was a salesman.
Q. How much have you lived out of the Nation? A. I couldn't tell exactly, but I didn't never stay out a year at a time; I didn't want to go out, and wanted him to go stay with me, but he wouldn't do it. He wanted to stay out where he could get good wages.
Q. How long have you been in the Cherokee Nation this time? A. About 11 years.
Q. Have you ever been enrolled on any of the tribal rolls of the Cherokee Nation? A. In time of the Kerne-Clifton roll I was. I made three trips then and then Jackson he was the last one, and they told me they had took some one older than I was.
Q. Have you ever been enrolled? A. No, sir.
Q. You never drew any money from the Cherokee Nation either, did you? A. No, sir.

By Mr. Davenport:
Q. Where were you raised? A. I can't just say that I was raised in the Cherokee nation, and I told you what they sent me home, and I was a good sized girl, about that high (indicating).
Q. You say when the war broke out you were living in Alabama? A. Yes, sir.
Q. At what place, Bridgeport? A. I don't know, sir, I was small; I know I was there.
Q. You lived at the same place and postoffice as George Ward and George McKamy? A. I don't think——
Q. Don't you know George McKamy? A. Yes, sir.
Q. Were you living at the same place? A. I didn't know him then and met until here about 30 years ago.
Q. How far was it to the nearest town where you were living that you remember the name of? A. I remember a town called Tuscumbia.
Q. How far was it from Tuscumbia that you remember living when you could remember anything about it? A. I was sollittle I never went to town, but I can remember the name.
Q. You say that Ben Johnson was your owner when the war broke out? A. Annie Johnson, Ben's wife.
Q. Annie Johnson was living in Alabama when the war broke out? A. No, sir.
Q. Where was she living? A. Here in the Cherokee Nation; they sent us here to her.
Q. Where did you find Annie Johnson when you came to the Cherokee Nation? A. When we came here we stayed a good while, but they were gone somewhere; I could hear them talk when I got up any size and they said she was gone.
Q. Where did you find her? A. I didn't find her at all, but I found some of the colored people they knew.
Q. Who did you find that they knew? A. Uncle N. N. Johnson came to us, and Moze, a man by the name of Moze.
Q. Where was Ben Johnson when you came to the Cherokee Nation? A. He didn't come; I never seen him.
Q. You knew the niggers were free before you left Alabama, didn't you? A. Eh, sir, they told us to come home.
Q. Who were you living with in Alabama? A. Vinson.
Q. Did you know what his first name was? A. No, sir, Curd and his son were there together.
Q. How did you travel from Alabama to the Cherokee Nation at that time? A. They give us a little old cart, or wagon, with two steers.
Q. Did they give you any money? A. I don't know; I knew they give us a big paper.

Q Do I understand that you claim you travelled all the way from Alabama to the Cherokee nation in that ox cart? A Yes, sir, we come in the ox cart, let me see, I think we got with some white people, and we come all the way.
Q You were a good sized girl at that time? A Yes, sir, I knew what they give us, and I believe they exchanged the cart and got a horse.
Q The same with you from Alabama to the Cherokee Nation? A A man by the name of Anderson Tatum, he came part of the way with us.
Q What did he do after he got out here? A He didn't come all the way with us, and then we got in with some more people, a black family and a white one.
Q You say you came direct from Alabama to the Cherokee Nation, or some other way? A No, sir, we came here.
Q Where did you cross the Mississippi River? A I was small, I couldn't tell.
Q You were large enough to remember towns and places like that? A No, sir.
Q How old is your oldest child? A About 31 years old.
Q You must have been 10 or 12 years old at that time? A I reckon I was a good sized little girl.
Q Where did you first strike the Cherokee Nation? A We come thr through Kansas.
Q You come through Kansas coming from Alabama to the Indian Territory? A I think so.
Q If you did come by Kansas what town did you strike first? A I don't know.
Q Kansas is north of the Indian Territory, isn't it? A I couldn't tell.
Q Have you ever been in Kansas since you come to the Indian Territory? A No, sir.
Q You must have come through Arkansas instead of Kansas, didn't you? A I couldn't tell.
Q Didn't you live in Argenta, near Little Rock, a while? A Yes, sir, that was after I went back, after I married.
Q How long did you live at Argenta? A Didn't live there.
Q Did you live at Little Rock? A Yes, sir, a while, and then Pine Bluff.
Q You had been in Arkansas before you married? A I guess so, when I come through there.
Q Do you know you come through there? A I don't know how I come.
Q Who else besides yourself came of the colored people at the time you came? A My mammy and brother and Mrs.---
Q What is your brother's name? A Yancy Vincent.
Q Is he dead? A No, sir.
Q Where is he living? A In Sequoyah.
Q Your mother is dead? A Yes, sir.
Q Do& you know whether or not you had been in the Cherokee Nation before the time yoj claim you came about the time the war closed? A If I was I was a baby; some people told me I was born in Flint district.
Q Do& you know where Ben Johnson's home was in the breaking out of the war from information? A No, sir.
Q Have you ever seen his former slaves that lived in Sequoyah district and gone over this matter with them since? A I have seen some of them.
Q Have you ever gone to Joe Johnson and asked them if they remembered your belonging to Ben Johnson? A I aint seen Joe Johnson.
Q You have lived in Sequoyah district 17 years, you say? A Yes, sir, about that long.
Q Have you ever looked up and found out? A I aint had no talk with Joe Johnson.
Q Do you know George W. McKamy? A Yes, sir.
Q Have you ever talked with him about your citizenship? A He has talked with me about it.

Q Did he remember your owner being here before the war? A Yes, sir, he talked about it.
Q How far do you live from Bengo? A About four miles.
Q When you first went to Sequoyah district who of the old settlers were living near where you located? A Uncle Moses Johnson's.
Q How did you go to Sequoyah district, by land or on the train? A When I first came here?
Q Yes. A When I was small?
Q When you went to Sequoyah district? A It has been about 16 or 17 years, when I settled there to stay.
Q When you first settled there to stay how did you travel going to Sequoyah district? A I just come from over in Van Buren over in the Cherokee Nation and stopped there on Sequoyah.
Q You had been living in Arkansas? A Yes, sir, I travelled about in Arkansas after I married.
Q You have lived at Little Rock, Arkansas? A Yes, sir, my husband worked there.
Q How long did you live there? A I think he worked there about three months.
Q How long did you live at Pine Bluff? A We stayed at Pine Bluff about, we went there once when he was working at the carpenter trade and stayed there about two or three months.
Q Where else did you live in Arkansas, other than Little Rock and Pine Bluff? A We travelled about so much, wherever he worked at he would let me stay one place sometimes four or five months, and sometimes he would be off working, I don't know how far from me.
Q How many children have you? A Five.
Q What is the oldest named? A Jim White.
Q Where was he born? A In theChickasaw Nation.
Q At what point? A I can't tell what point; I just know upon a hill down in the Chickasaw Nation.
Q What is the name of the next oldest? A Harry White.
Q Where was Harry born? A Chickasaw Nation.
Q What is the next oldest? A Ruth.
Q Where was she born? A Cherokee Nation.
Q Where was the next one born? A The others were born in the Cherokee Nation.
Q You have no knowledge, yourself, of who your owner was? A Yes, sir, Ben Johnson, I had a knowledge.
Q Did Ben Johnson ever have anything to do with you so far as managing or controlling you before the war? A No, sir, all I know about him having anything to do with us was when they sent us home.
Q When you could first remember, in Alabama, you were living with Curd Vincent, who lived at Fort Tuskaloosa, right near the river, didn't you? A Yes, sir.
Q Then the war broke out and you were still with the Vincent's? A Yes, sir.
Q Your mother was there? A Yes, sir.
Q Your father was there? A No, sir, I don't know where he was.
Q Do you know of your own knowledge whether the war had closed when you started west? A No, sir, it wasn't closed; he took his black people and went away and left us there and sent us on home, and told us to come; said nothing wasn't going to hurt us.
Q What army post or army encampments did you pass coming from Alabama to the Indian Territory? A I couldn't call the names; we passed a heap of soldiers once in a while.
Q Don't you know that from the breaking out of the war, after the war was on in 1862, that in the southern states, both Alabama and Tennessee, and Mississippi, no colored people were allowed to travel without military escort? A Yes, sir, but they give us a paper and nobody bothered us; I didn't pay any attention to it.
Q You can't remember the year you got to the Cherokee Nation? A No, sir.
Q Where did you first establish a home in the Cherokee Nation? A First on Grand river.

Q At what point? A I don't know.
Q Can you remember the names of any of the parties near whom you stopped? A I can remember who came down there and talked with us.
Q Who? A Aaron Johnson.
Q Do you remember any white people or Cherokees? A I seed some people, but I don't remember none of their names.
Q What did you do for a living? A Mammy just smoched around and begged.
Q Who did she beg from? A She would go to Gibson, but I remember several old people.
Q Then as I understand you, you didn't get up there to the Cherokee Nation until after Aaron Johnson had returned to the Cherokee Nation?
A We got there before he came.
Q How long had you been there when you saw Aaron Johnson? A I don't know.
Q About how long? A I don't know whether we had been there a year or not. It was a year, I reckon, as near as I can come at it.
Q Had the war closed by the time you got to the Cherokee Nation?
A I don't think it was; if it was I didn't know anything about it until Aaron Johnson told her, said it was as was hunting for Ben and Armie, because the niggers were set free then; several old people would visit around the wagon where she was camped.

By the Commission;
Q Were you ever married more than once? A No, sir, not but once.
Q Is that husband living now? A Yes, sir.
Q What is his name? A Gib White.
Q A state man? A Yes, sir.
Q He is the father of your children, Harry and Jim H. White? A Yes, sir, he is the father of all the children I ever had.
Q You don't know anything of your own knowledge as to whether your owners were citizens of the Cherokee Nation or not, do you? A Yes, sir, they was recognized.
Q How do you know that? A I heard these old ones say that.
Q You didn't know it, yourself? A No, sir.
Q Do you know whether they ever lived here before the war or not?
A No, sir, only what I heard.
Q You are about 50 years old? A Yes, sir.
Q Before you finally settled in the Nation some 16 years ago where had you lived since you became grown? A I lived and married here in the Cherokee Nation and then went out; my husband went out.
Q About how old were you when you married? A My husband said I was about 16.
Q Then after your marriage had you ever lived in the Cherokee Nation from that time until 16 years ago? A I would just come backwards and forwards.
Q You never had any permanent home? A Yes, sir, it was my home.
Q Did you own a home here? A Yes, sir.
Q Where? A In Sequoyah I owned a home; I tried to get him to come here and stop carpentering.
Q Who were you neighbors down there? A Parson Vann.
Q That George W. Vann? A Yes, sir.
Q Who else? A Albert Johnson.
Q Do you remember who all were living in the neighborhood in which you settled first, when you first came to the Cherokee Nation?
A When I first come here, I don't think there was anyone living that I seed.
Q Where did you come to, you say? A I come down here at Gibson, at Grand river, and stayed there a good while, right down on the river there, fishing.
Q How far from Fort Gibson was that? A Not far.
Q Anybody living in that neighborhood then? A Yes, sir, she went around, but I was small and she didn't carry me.

Q About how long do you think you lived there, how old were you when you moved away from there? A I think we stayed there about a year.
Q Then where did you go? A We left there and stayed on the Arkansas River a fishing a while, then we went in the Choctaw nation and stayed a little while fishing.
Q Where were you married? A I was married in the lower end of Sequoyah, on Leo's Creek.
Q Who performed the ceremony? A At a church house one Sunday night, the old man was named Nick Wadkin.
Q A colored preacher? A Yes, sir.
Q Did you get a license? A No, sir, he just talked to us.
Q When did your mother die? A When I was small.
Q Where did she die? A I don't know, sir, but I think she died in the Choctaw nation; she had went away from us, and the man that was staying with her, he went off and then when mother went off in the Choctaw nation, she didn't come back, and when he came back he told me that she was dead, why then I went on towards Leo's creek.
Q Have you got any brothers or sisters, or did you ever have?
A Yes, sir.
Q Are they living now? A Yes, sir, Yancy Vincent.
Q That is your brother? A Yes, sir.
Q Is he a full brother to you? A I don't know.
Q Have you the same mother and same father? A We have the same mother.
Q You don't know whether your father was his father or not? A No, sir.
Q He has applied for enrollment as a Cherokee freedman, also, hasn't he? A Yes, sir.
Q Did he come to the Cherokee Nation at the same time you did?
A Yes, sir. other
Q Have you any brothers or sisters? A No, sir.
Q Is Yancy Vincent older than you? A No, sir.
Q He belonged to the same people you did? A Yes, sir.
Q What is the name of his wife? A Lizzie.
Q She is a state woman is she? A Yes, sir.
~~Q Has he some children, Elisa and Vilda and Laura? A Yes, sir.~~
Q Then he has some children, Elijah and Tildy and Orra? A Yes, sir.
Q And Calwest and Pink and Hassie? A Yes, sir.

By Mr. Davenport:
Q Whose place did you locate on when you moved to Sequoyah district?
A When we went we located on Dr. Bell's place and worked some on Frank Morgan's and some on Johnson's.
Q Was that the first year that you worked on Dr. Bell's place?
A No, sir, not the first year. The first year we were in the hills and there was nothing up there we could do.
Q Whatplace in the hills? A Just back up there in the hills.
Q How far from the railroad were you? A About two miles, I believe
Q Don't you know whose place you lived on? A We went to that place and started to clean it up, but it was so poor---
Q Whose was it? A Nobody's then.
Q Where did you get your mail at that time? A Muldrow.
Q Muldrow was established when you went to Sequayah district?
A Yes, sir, this last time.
Q When you moved to Sequoyah? A Yes, sir.
Q You had never lived in Sequoyah district before that time? A No, sir, only passing through there.
Q Near whom do you live in Sequoyah district? A Close to Mrs. Whitmire and Julia Johnson; they live up in the hills and we rent in the bottom.

Q Who do you work from on the payroll? A Alexander.
Q Who Alexander? A Nothing Alexander.
Q Who pays? A Oh, why, with this money.
Q Who else gets anything from this roll? A He ain't working for them this year, he is working in the shop.
Q He is living in a cottage? A Yes, sir.
Q And you work? A Yes, sir, I stay here part of the time; he tried to get me there and I wouldn't do it; I have my things with my mama, and I stay with my husband part of the time.
Q Your husband is keeping house in Arkansas? A Yes, sir.
Q And you help do the cooking and live with him? A Yes, sir, sometimes.
Q You and he are not separated? A No, sir.
Q Whose place does you and he live on in the Cherokee nation? A Reuben Ringer's.
Q Where is that place located? A Right between Cherokee and Fort Smith, right at the divide.
Q How long has he been living on that place? A This makes two years.
Q On whose place did he live before that? A Alexander's.
Q Thompson's or Joe's? A Thompson's.

By the Commission:
Q Is this child Viola now living and living with you? A Yes, sir.

JIM H. WHITE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jim H. White.
Q How old are you? A I am about 30 or 31 years old.
Q When you applied for enrollment on January 30, 1904, you gave your age as 24 years; that has been two years ago? A I ain't positive, something along about there, 30 or 31, I ain't positive.
Q What is the name of your wife? A Sarah White.
Q And you applied for her and for your children, Samantha, Birdie and Ruth, did you? A Yes, sir.
Q Are she and these children all living now? A Yes, sir.
Q Living with you? A Yes, sir.
Q Your wife is a state woman, is she? A Yes, sir.
Q What is your present postoffice? A My present postoffice is Bunch.
Q When you applied for enrollment in 1902 you stated your postoffice was Bern, Arkansas? A Yes, sir.
Q Was that right? A I ain't for certain whether I stated Bern or not; sometimes we got our mail from Bern and sometimes from Bunch, whichever is the handiest.
Q How long have you been living in the Cherokee Nation since you can remember? A I have been living there about 16 or 17 years since I could remember.
Q Where did you come from to the Cherokee nation? A I come from the Choctaw Nation.
Q How long had you lived in the Choctaw Nation? A I don't know; I lived in the Chickasaw; we went about so much, I don't know correctly.
Q Where were you living when you first remember? A At Fort Gibson.
Q How long did you live there? A We didn't live there so very long, about, I can't hardly remember how long; something along about a month or so.
Q Can you state about how old you were then? A No, sir.
Q About how large a boy? A I reckon I must have been something about the age between 12 and 13, I suppose, I would not be positive.
Q Were you living there with your mother? A Yes, sir.

Q Your family lived there for a month or so, your mother and her children? A She didn't stay there all the while.
Q You said for a month or so? A Yes, sir, but not with mother exactly all the time.
Q Who did you live with at Fort Gibson? A I don't know the peoples name.
Q You don't know the peoples name? A They called the fellow Sam something.
Q Were they colored people? A Yes, sir, I can't remember his name. I know his name was Sam.
Q Were you ever enrolled on any of the tribal rolls of the Cherokee Nation? A Yes, sir, we appeared before this court.
Q I say were you ever enrolled on any of the Cherokee tribal rolls? A No, sir.
Q You never drew any money from any of the Cherokee tribal authorities? A No, sir.
Q Did you ever vote in any of the Cherokee elections? A No, sir, never did.
Q Were you ever recognized in any manner as a citizen of the Cherokee Nation? A No, sir, we wasn't recognized no further than we tried to make up our proof here.

By Mr. Davenport:
Q After you left Fort Gibson the time you have spoken of where did you go? A After we left Fort Gibson I went to Memphis.
Q Memphis, Tennessee? A I reckon so.
Q It was outside of the Cherokee Nation? A Yes, sir.
Q Don't you know whether it was Memphis, Tennessee, or not? A I would not be positive.
Q Where was it located with reference to any rivers, any rivers near by? A I believe there was a river.
Q You don't want to be understood that you can't remember whether or not you crossed a river going from here to Memphis? A I guess we did.
Q Who went with you? A I don't know the people that went with us from here to Memphis.
Q Who was us? A I went with some more people.
Q Can't you tell me the name of somebody that went with you to Memphis, whether it was Memphis, Tennessee, or some other Memphis? A I don't believe I can.
Q How long did you stay at Memphis? A We stayed at Memphis about eight or ten months.
Q Who were we? A I am talking about the parties that went with me there.
Q You don't mean that you stayed there six or eight months and can't remember their names? A Yes, sir.
Q You were 18 or 19 years old? A I don't know whether I was or not.
Q You said you lived at Fort Gibson from 12 to 18 years, didn't you? A I didn't.
Q How long did you live at Fort Gibson? In all your life, all put together? A We lived at Fort Gibson something like two or three months.
Q Do you know where your mother was while you were at Memphis? A No, sir.
Q How large were you when you went to Memphis? A A good sized kid.
Q Were you large enough to work? A I didn't do any.
Q How long did you stay at Memphis before you returned to the Cherokee Nation? A We stayed at Memphis, I reckon, about ten or eleven months, I reckon.
Q Then where did you go? A We came from Memphis then back through the Cherokee Nation out towards Kansas.
Q What point in the Cherokee Nation did you go to? A Up here by old man Sam Barnes'.

Q Where Rock Bee Barnes lived? A It was in Sequoyah district.
Q How far was it from Fort Smith, Arkansas? A I reckon something about eight or nine miles, I guess.
Q Who lived near old man Sam Barnes at that time? A He was living there out in the hills and there wasn't many houses out there then.
Q How did you get from Memphis back over to the Cherokee Nation?
A We came part of the way on the train and part on the boat.
Q What part on the boat? A We came from Memphis to Pine Bluff on a boat.
Q Your mother was living at Pine Bluff at that time, wasn't she?
A I don't know where she was living at that time.
Q You know when she and your father lived at Pine Bluff? A Yes, sir.
Q They were not there then? A No, sir.
Q After you left Pine Bluff, how did you come to the Cherokee Nation? A On the train.
Q At what point did you get off of the train? A There at Fort Smith.
Q When you came to the Cherokee Nation to whose farm did you come first? A At a little place out there, up there in the hills somewhere.
Q You were grown then, were you? A I didn't consider myself grown.
Q Whose place were you living on when you first remember living in the Cherokee Nation? A On a little place that we tried to clean up of our own.
Q How long did you live there? A We lived there about a year, I think.
Q Then to whose place did you move after you left that place in the Cherokee Nation? A After we left that place we went to Dr. Bell's place.
Q That is near Fort Smith there on the Cherokee side? A Yes, sir.
Q Then where did you move to? A From Dr. Bell's place to Frank's.
Q Frank Morgan's? A Yes, sir.
Q How long did you live on Frank Morgan's place? A I think, I aint for certain, about three or four years.
Q Then where did you go? A From Frank Morgan's to Alexander's.
Q Thompson or Joe's? A Thompson's, I think.
Q Thompson is the one that is a Civil Engineer and not at home much?
A Joe managed it all the time.
Q How long did you stay there on the Alexander place? A About three years, I believe.
Q Then where did you go? A From there to the Payne farm.
Q Houston Payne's? A Called Payne Brothers.
Q How long did you stay there, up to the present time? A Yes, sir.
Q You don't know anything about who was the former owner of your mother? A No, sir.
Q Do you know George W. Vann, or McKamy? A Yes, sir, I have seen him.
Q Do you live on the Payne place now? A Yes, sir.
Q You don't mean to say that you live on the Payne place and get your mail at Benge, or Bera, Arkansas, either one, do you? A Yes, sir.
Q Go clear out to Benge to get your mail? A Yes, sir.
Q It is further than it is to Fort Smith, isn't it? A I don't know.
Q Don't you know that Benge postoffice is at the switch near Cherokee, and that the Payne place is right at the river where the bridge crosses the river to the port Smith side? A Benge is not on the river.
Q I know Benge aint, it is out at that switch this side of the bridge between there and Cherokee? A No, sir, not between Fort Smith and Cherokee.
Q Up this side of Cherokee? A Yes, sir.

Q When you are getting four or five miles farther away from the Payne place? A No, sir, we have got a nearer way to go across the mountain; if you take the railroad it is farther.
Q Did you get your mail at Dare, Arkansas, when you live either on the Bell, Payne or Alexander place? A Sometimes whenever there were a whole lot of preaching, when we got a lot of business to attend to up there, sometimes we would have it sent there.
Q Dare, Arkansas, is over the hill from Sherman, towards Lee's Creek? A Yes, sir.
Q And in order to get there you have got to cross that range of hills there by Sherman? A Yes, sir, there is a hill there.
Q You were living down there by Van Buren on Lee's Creek for about three years, weren't you? A I don't know anything about it.
Q You have been there, haven't you? A I don't know much about this country around there.
Q Don't know anything about Lee's Creek? A Mighty little about it.
Q Don't you know that Dare, Arkansas, is just a short distance from Lee's Creek? A Probably it is; of course, I have been to Lee's Creek.
Q Your mother lived over on that side for a long time, didn't she?
A I don't know, sir.
Q She lives in Arkansas now, don't she? A No, sir.
Q Don't she and her husband keep house on the Arkansas side? A No, sir.
Q Where is her family living? A My mother stays with me.
Q Has she and her husband separated? A I don't know whether you call it separated or not; she tried to get him to come over there and rent land with me; she is living with me now.
Q Where is her husband living, on whose farm? A Old man Bowles farm, I reckon that is the man, he stays in town.
Q What town? A Fort Smith.
Q Thomas Bowles? A I don't know, sir, whether it is Thomas or not.
Q The farm is on the Arkansas side? A Yes, sir.
Q Where does Viola stay? A Right there with me.
Q All the time? A No, sir, not all the time.
Q Don't you know that Viola is to-day, and was yesterday at noon, right where this man White is with your wives? A No, sir, the baby-
Q Wasn't she there yesterday at noon? A No, sir.
Q Where was she? A I was here yesterday.
Q You don't know, then, where she was yesterday? A No, sir.
Q Where was she when you started up here? A There at home.
Q Who keeps house for your mother's husband? A One of the boys stays there and cooks whenever she aint there.
Q I believe you say you never applied to any Commission only the Dawes Commission for your rights? A No, sir.
Q How far do you live from George W. McKamy? A Is that Vann?
Q Yes, sir, and you know it. A I reckon about four or five miles.
Q He is a preacher? A Yes, sir.
Q You have talked with him about your citizenship? A No, sir.

By the Commission:
Q When the Commission's notice was sent to you on July 6, to introduce further testimony in your application, you were also requested to furnish affidavits as to the birth of your children, have you them? A No, sir, I understand it would do as well here.
Q Didn't we send you blanks? A Yes, sir.
Q Haven't you attended to that? A No, sir.
Q Is your wife here? A No, sir, my mother is here, the one that waited on her.

Harry White, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Harry White.

Q How old are you? A I am positive, somewhere between 27 and 28.
Q You are the son of Silas White and brother to Jim S. White?
A Yes, sir.
Q What is your postoffice? A My regular postoffice is Bunger.
Q You are not living at Norman, Arkansas, now? A I am living in the same settlement, but we get our mail at different places.
Q Do you want the commission to address letters to you at Bunger or Norman, Arkansas? A Bunger.
Q Are you living in the Cherokee Nation now? A Yes, sir.
Q In what district? A Sequoyah.
Q How long have you been living there? A Something like 16 years.
Q Where were you living when you could first remember? A Wasn't hardly stationed here when I could first remember; I was here in the country.
Q What part of the country? A Here at Fort Gibson about the first I can remember.
Q Have you ever been enrolled on any of the tribal rolls of the Cherokee Nation? A No, sir.
Q Have you ever drawn any money from the Cherokee Nation? A No, sir.
Q Have you ever voted in any of the Cherokee elections? A No, sir.
Q Have you ever been recognized in any manner whatever as a citizen of that Nation? A No, sir, not to my knowledge, myself.
Q Are you a single man? A Yes, sir.

By Mr. Davenport:
Q Harry, I didn't get your age; what was it? A I am not positive about it; somewhere like between 26 and 28.
Q You live now on whose place? A On Vincent's place now.
Q Where is that? A In Sequoyah district.
Q How long have you been staying there? A About two years, I think, off and on.
Q How often on and how much off? A Something like three months at a time, and then go in the state and work about a month and come back.
Q How long have you lived in the state since you can remember? A I can't tell you exactly, just in and out.
Q At what places in the state have you lived? A I have lived at, to my recollection, at Little Rock an short while.
Q Where else? A Pine Bluff a short while.
Q Where else? A I have had a trip or so to Memphis.
Q Just been living at different places? A Yes, sir.
Q Did you live on the Payne farm when your brother lived there?
A Yes, sir.
Q Who with there? A I lived with him the biggest part of the while
Q How long has your mother been living on the Arkansas side with her husband? A She don't live there.
Q You mean to say they don't live together? A I don't mean to say they don't live together.
Q You are simply trying to place them in the attitude of her living over here to hold her right, if any they have? A Yes, sir.
Q Her home is really over there? A No, sir.
Q She stayed there the greater part of last week, didn't she, with her husband? A No, sir, I don't know of her being over there for two months.
Q Do you know an old colored fellow at Fort Smith by the name of Dillard? A No, sir.
Q Don't you know that Dillard was over at the farm last week and knew that your mother was there with her husband? A No, sir.
Q Her husband lives on the Bowles place? A Yes, sir, he has got a crop there.
Q It is Colonel Bowles? A Yes, sir.

Q Did you see Thomas Bowles over at the farm there last week? A No, sir.
Q You were not on the Bowles place? A I was there once or twice.
Q In going there they cross the bridge there at the Payne place?
A Yes, sir.
Q How long did you live on the Payne place? A I am living on the—
Q I am speaking of the time you lived there? A I don't know how long I lived there.
Q You don't know much about the Cherokee Nation, do you Harry?
A Yes, sir, I know about as much about it as any of the balance of the family.
Q How long have you known George W. McKamy? A I couldn't tell you at all.
Q You have talked with him about your citizenship? A No, sir.
Q You are acquainted with him? A I know him when I see him.
Q Were you living on the Payne place when he moved from Argenta to the Payne place? A I didn't know where he came from.
Q Were you living there when he came to the Payne place? A I don't know anything about his coming there.
Q Where were you living when you first got acquainted with him?
A I was living on the Alexander farm when I first saw him?
Q How long ago was that? A Something like five years ago.

JERRY VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jerry Vann.
Q How old are you? A About 50.
Q What is your postoffice address? A Rowland.
Q Cherokee Nation? A Yes, sir.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, Millie White and her two sons, Jim H. White and Harry White? A Yes, sir.
Q How long have you known them? A I knew the old lady and old man somewhere about the latter part of '66 if I make no mistake.
Q That is, Millie and her husband? A Yes, sir.
Q Where were they when you first got acquainted with them? A On Grand river; there in a tent; I suppose fishing; they had fishing tackle.
Q You think that was sometime in what year? A In the latter part of '66, if I make no mistake.
Q Where were you living then? A On Grand river, near Dr. McNair's.
Q And this woman and her husband were living in a tent on Grand river? A Yes, sir.
Q How long did they stay there? A I don't know, Colonel, I noticed them there several times; may have been two or three months.
Q What was her husband's name? A Gib White.
Q Do you know how old this woman, Millie, is now? A No, sir, I don't.
Q About how old was she to the best of your knowledge when you first saw her in 1866? A I couldn't say, Colonel, she looked to be a middle aged woman, to my opinion; been a good long while; the old man looked to be older than the woman..
Q Did they have any children then? A Yes, sir, two little children, small little fellows.
Q Were they boys or girls? A Two little boys.
Q Were they these boys? A Now, I couldn't say exactly that they were these boys; they say they were the boys; it was a good while after that that I saw them again.
Q You don't know whether or not it was Jim and Harry? A No, sir, I didn't know the children's names.

Q The woman was about middle aged? A Yes, sir, she looked like middle age.
Q What do you mean by middle age? A 30 or 40 somewhere along there, what I would call a middle aged woman.
Q Do you know how long they continued to live there? A No, sir, I don't.
Q Where did you next see them? A Next I saw them when I came down from there to Fort Smith; I saw them here at the Fort Smith bridge.
Q Was that in the Cherokee nation? A Yes, sir.
Q Were they living there? A Yes, sir, camped on this side in a tent.
Q About what year was that? A I don't recollect whether it was in 1879 or whether it was in '80, it was between '79 and '80, and they said they were the same folks and I got acquainted with them again and they said they were the same folks that used to be on Grand river.
Q Do you know how many children Millie has now? A Four, I believe; I believe Jim and Harry and Little Bit, we called her, and Ruth and Annie, I believe that is all I know.
Q Well, you say you again saw these applicants somewhere about 1880, when was the next time? A They have been living right there off and on ever since sometimes, I believe; I live six or seven miles from them now.
Q You don't know anything about Millie or her mother having been a slave of a Cherokee citizen before the war? A No, sir.
Q You don't know where she came from to the Cherokee Nation? A No, sir, I don't.
Q The first you knew of them was on Grand river in 1866? A Yes, sir.

By Mr. Davenport:
Q That was Millie White and her husband? A Yes, sir, Gib and Millie White.
Q Have you since that time seen Gib White? A Yes, sir.
Q Where is he living now? A Right below Gabe Payne's.
Q What country? A They live in the, I believe, I don't know whether it is in the Territory or right on the line, live on the Bean farm.
Q Bean or Bowles farm, which? A My understanding it is the Bean.
Q How far do you live from them? A About seven miles.
Q Don't you know it is a farm that belongs to Bowles, who lives in Fort Smith? A Yes, sir, I know the Bowles farm, but I don't know whether they live there, but it seems----
Q I want to know what you know? A It seems that they rented the Bean farm from old man Alexander.
Q How long have you lived in Sequoyah? A Since 1870.
Q Did they live there when you went there? A Yes, sir.
Q Didn't you say that was '79? A I was, said '70, '79 or '80.
Q Sometime in the past? A Yes, sir.
Q You said Gib and Millie had two children when you first met them? A Yes, sir.
Q That would have been, you saw them in 1866? A Yes, sir.
Q If it was in 1866, it would have been 38 years ago? A Yes, sir about.
Q Don't you know that these boys are not 38 years old? A I don't know.
Q Don't you know that the applicant swore, herself, in the last half hour that she wasn't married then? A I don't know.
Q I am asking you if you don't know it? A If I aint mistaken these are the people I seen.
Q And they were married when you saw them in 1866? A They had two children; I couldn't say they were married; I didn't see no license.
Q When were you first spoken to about coming as a witness in this case? A I don't know; they come up there sometime week before last.
Q Who came? A Jim, himself.
Q Jim White? A Yes, sir.

Q And then you thought it over and remember that you had some Willie and Sib White on Grand River? A No, I had talked, we and my wife, quite a while about it; Henry lived at one time right close to us, and we talked about it several times and spoke about we knowing him on Grand River.
Q How old were you then? A I don't have exactly.
Q How old are you now? A About 50.
Q The applicant in this case, Willie White, at the time you saw she and Sib White on Grand River had about a middle aged woman? A Yes, sir.
Q And had two children? A Yes, sir.
Q And both were boys? A Yes, sir.

By the Commission:
Q About what size or age would you have taken these children to be? A I don't know; little bittle boys, small fellows looked like twins to me.
Q Were they 10 or 12 years old? A Might have been two years old, maybe not so old; I couldn't tell; maybe a little older.

ANDERSON TATUM, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Anderson Tatum.
Q How old are you? A Between 50 years old, the 31st day of December.
Q What is your postoffice address? A Roland.
Q That is in the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee freedman? A No, sir.
Q You are a state man? A Yes, sir.
Q Do you know the applicants in this case, Willie White and her sons, Jim H. and Harry White? A Yes, sir.
Q How long have you known them? A I have known Willie about 30 odd year, but these boys I know them since they were tolerably good sized boys.
Q Where was Willie living when you first got acquainted with her? A In Alabama, when I first saw her.
Q Before or after the war? A Just at the breaking out of the war and after the war.
Q You saw her in Alabama after the war, did you? A Yes, sir.
Q Was she living there then? A Yes, sir, she wasstaying about; she was quite a small girl then; she was there with her mother and brother.
Q What was her brother's name? A Yancy Vincent.
Q Were Willie and her slaves of Cherokee citizens before the war? A That is what they claim.
Q You don't know about that? A No, sir.
Q You knew them before the war? A Before it broke; in time of the war.
Q You first knew them during the war in Alabama? A Yes, sir, Tuscumbia.
Q How long after the war did they continue to live in the State of Alabama? A Not long; they came away from there along about the first part of '65? or latter part of '66; I came with the old lady and them to Corinth, Mississippi.
Q Do you know whether it was in 1866 or 1867? A I think it was in '66, I wouldn't be positive.
Q Before or after Christmas? A Before Christmas.
Q Who all came in that party? A Aunt Charlotte.
Q Charlotte who? A Johnson, she called her name; and this here woman, she was a girl then, and her brother, and another fellow, I forget his name; I think they called him Tom, I aint certain; I left them at Corinth.

Q At what point in the Cherokee Nation did they come, do you know?
A I don't know where they first stopped at. When I found them after that they were up here close to Gibson.
Q Did Tommy Vincent come at the same time this Willie came? A Yes, sir, I found them, she told me when I saw them.
Q You testified in Tommy Vincent's case, didn't you? A Yes, sir.
Q About how old was this woman when they came to the Cherokee Nation? A I couldn't tell exactly; taller her good sized girl, I guess she was about 12 or 14, somewhere along there, might have been older.
Q Do you remember the name of her mother? A Yes, sir.
Q What was her name? A I called her aunt Charlotte.
Q What was her father's name? A I didn't know him, never saw him in my life.
Q Have you known Willie ever since she came to the Cherokee Nation? A Yes, sir.
Q Do you know where she has lived ever since she came here? A No, sir, I couldn't tell that; often and on I would see her.
Q You don't know whether she has lived inside or outside of the Nation the most of that time? A No, sir, I would see her in the states sometimes and sometimes here in the Nation.
Q Have you known these boys since their birth? A No, sir, not since their birth. Jim was a good big boy when I first saw him; this one was the largest and this one was little.
Q Do you know where they and their mother have lived for the past 13 or 14 years? A In part; I was gone part of the time.
Q Where were they when you knew of them? A Sometimes I would find them in the Cherokee Nation and sometimes in the states.
Q That is the last 13 years? A Yes, sir, for the 13 years they have been in about there.
Q Where? A Down in Sequoyah district.
Q When was the last time you saw them in Arkansas? A About a week ago.
Q Were they living there? A No, sir.
Q When was the last time you knew them to live in Arkansas; they give a crop in Arkansas and get a claim in the Cherokee nation; their father has got a little crop there.
Q Their father is working a crop in Arkansas? A Yes, sir.
Q How long has he been there? A About five or six or seven months; he pitched his crop and moved from the Cherokee nation; that is, his tells, part of them; and part of them are in the Cherokee Nation.

By Mr. Davenport:
Q You knew the Vincent family in Alabama before the war? A In time of the war it was.
Q You knew they were not Cherokees or didn't claim to be? A Only what I was told.
Q The Vincent family didn't claim to be Cherokees? A I didn't know them in Alabama, just these colored people.
Q Didn't they live there? A That is what Aunt Charlotte told me.
Q How far were you raised from Tuskaloosa? A Principally at Huntsville; I don't know exactly; we come from Birmingham; I was born close to Huntsville.
Q When you came to the Cherokee Nation, you say you come by the way of Chattanooga from Birmingham? A Yes, sir.
Q How did you travel? A With a man who had some mules, trading.
Q Just going from point to point trading? A Yes, sir, when I first got in there I left him.
Q Were these people with you then? A Yes, no, sir, I found them at Tuscumbia.
Q How far did they come with you? A To Corinth, Mississippi.
Q The war was over at that time? A Yes, sir, no fighting going on then.

Q The most time you saw them was in the Cherokee Nation? A Yes, sir.
Q Several years after the war? A No, sir, not long; it was in '66, I think March, maybe more, or '66, somewhere along after I left them.
Q You don't know what time it was you left them in 1866? A No, sir.
Q Was it before or after the crop season of 1866 that you left them? ~~Q Just before Christmas~~ A Just before Christmas.
Q You never saw them any more for how long? A About five or six maybe eight months, I saw them up here in the Cherokee Nation.
Q At what point were they living in the Cherokee Nation? A I wasn't at the house; Yancy told me where his sister was, over on Grand river; he had a little home over there.
Q Did you know Willie and her husband when they lived at Little Rock and Pine Bluff? A I knew them before that.
Q Do you know of your own knowledge that they lived there? A No, sir.
Q Do you know how long they lived in the Chester Nation? A No, sir.
Q There were years at a time that you didn't see them? A Might have been.
Q White is living on Bowles's place in Arkansas, now, is he? A Yes, sir.
Q Where did he make a crop last year? A I think on the Bean farm, Alexander's, I believe he owns it. I had the same land, myself.
Q You know nothing about their being slaves before the war? A No, sir.
Q They were not free colored persons in the Cherokee Nation at the breaking out of the war? A If they was I don't know it.
Q When you came to Corinth with them, the war was over? A It was about the last of '66 or the first of '67, yes, sir.
Q Yancy Vincent was with them at that time, coming this way? A Yes, sir, they were sisters and brothers, so I have been informed.
Q She wasn't old enough to have married at that time? A No, sir.
Q When you saw her on Grand river was she old enough to have been married and had a couple of children? A I think not.
Q When did you first see Gib White, her husband? A I saw him, it has been 20 some odd years ago, the first time I saw him.

By the Commission:
Q When you first saw her in the Cherokee Nation in 1866 or '67 she wasn't married? A No, sir, not when I first saw her.
Q Who was she living with? A Her brother said on Grand river.
Q You saw her, didn't you? A She was living with some person by the name of Starr.
Q Did she have any children? A I didn't notice any.
Q About how old do you think she was? A She must have been then maybe 17, maybe not that old.
Q Did you see her? A Yes, sir, the first time, the next time I didn't.
Q What do you mean by the first time? A When I saw her people.
Q What year was that? A I believe that was, I couldn't tell, but it was a good while.
Q Do you know when you first saw that woman in the Cherokee Nation after the war? A It was five or six months after I left them, when I first saw them.
Q What year was that? A In '67, I think, along close.
Q At that time was she married? A Not that I knew anything of, not then.
Q To your best knowledge she had no children? A I couldn't say that; she might have had, but I didn't see them with her.
Q You just saw her once or twice? A Yes, sir, occasionally.

[illegible] WHITE, recalled.

By the Commission:
Q. I believe you stated that you came to the Cherokee Nation at the same time that your brother, Jenny Vincent, came? A. Yes, sir.
Q. Then the testimony taken in his case would be the same as your case? A. Yes, sir, but the same----
Q. In regard to when you came to the Nation? A. Yes, sir.

Commission: The testimony taken in Cherokee Enrollment D 1054, Jenny Vincent, et al., will be filed with and made a part of the records in this case.

Q. You stated that when you first came to the Cherokee Nation you lived on Grand river, near Fort Gibson? A. Yes, sir.
Q. And that was in 1866? A. Yes, sir.
Q. Who were you living with there? A. In a wagon, in a tent.
Q. Who with? A. A man that stepped [illegible], with my mother a while.
Q. You were with your mother? A. Yes, sir.
Q. And Yancy? A. Yes, sir.
Q. And you lived there about a year, you stated? A. Yes, sir.
Q. Then where did you go? A. Over on the Arkansas river, right straight fishing again.
Q. And you lived there how long? A. About a year again, I reckon.
Q. Then where did you go? A. Went off again, fishing, I know she went to the Choctaw nation, I think twice, backwards and forwards.
Q. About how many years was it after you came to the Cherokee Nation in 1866, until you married? A. I married after I got rid of ma and ----
Q. About how many years, three, four, five, about how many years?
A. It must have been five years, or four, my husband said I was 18.
Q. You had never had any children before that time? A. No, sir, I was too little.
Q. Where do you remember of first seeing Jerry Vann in the Cherokee Nation, this witness that has testified in your case? A. I seed him once at the river, where we were fishing.
Q. What river? A. It must have been the Arkansas River, I think it was the Arkansas river; I know he came there once, a small boy, and I saw him I think, at Gibson; I seed him twice and then I never saw him any more for a good while and when I seen him again----
Q. About how old was he when you first saw him, a grown man? A. No, sir, not what I call grown.
Q. About how old? A. A good tall boy.
Q. Can't you state whether he was grown or not? A. No, sir.
Q. Have you any other witnesses that you want to introduce in this case? A. No, sir, I don't think I need any more.

Commission: The applicants and the attorney for the Cherokee Nation state that they have no further evidence to introduce in this case, and the case is, therefore, declared closed.

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M. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

M M Vance

Subscribed and sworn to before me this the 18th day of August, 1906.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, March 6, 1906.

In the matter of the application for the enrollment of Willie White et al. as Cherokee Freedmen, consolidating the applications of:

Willie White ----------Cherokee Freedman-R-317,
Jim H. White ----------Cherokee Freedman-R-320,
Harry White ----------Cherokee Freedman-R-321,
Annie Thomas ----------Cherokee Freedman-R- 63,
Yancy Vincent ----------Cherokee Freedman-D-1088.

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On February 10, 1906, Neal & London, attorneys for the applicants, and Bell, Hastings & Davenport, attorneys for the Cherokee Nation, were notified that the matter of the application for the enrollment of Willie White et al. would be taken up for hearing on March 6, 1906, at 9:00 o'clock A.M..

On this, the 6th. day of March, 1906, the applicants appear not, either in person or by attorney, and the Cherokee Nation, represented by William W. Hastings, No request for continuance has been received from the applicants or their attorneys.

Ben White, being first duly sworn, testified as follows:

Q. What is your name? A. Ben White.
Q. What is your post office address? A. Rowland, Indian Territory.
Q. What is your age? A. I will be 47 the first of June.
Q. Do you live in the Cherokee Nation? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. Where does he live? A. He lives in the Cherokee Nation.
Q. How far from you? A. He lives a little over a mile from me
Q. Do you know Millie White? A. Yes sir.
Q. Is she a colored woman? A. Yes sir.
Q How far does she live from you? A. I guess she lives about two miles or more.
Q. What relation are Millie White and Yancy Vincent? A. Brother and sister.
Q. Which is the older? A. Millie.
Q. How long have you known Millie White? A. Ever since I was a little bitty fellow---ever since I could remember anybody.
Q. Where did you know her? A. In North Alabama.
Q. How long have you known Yancy Vincent? A. We were just little boys directly after the surrender. I have known him ever since we were little bitty fellows.
Q. Were you a slave? A. Yes sir.
Q. To whom did you belong? A. Drewey Vincent.
Q. Where did you live? A. In North Alabama.
Q. Near what town? A. Seven miles east of Tuskumba and two miles west of Leighton.

Q. Who did Willie White and Yancy Vincent belong to? A. I always knowed that they belonged to the same man that I belonged to.
Q. When you could first remember they were living there? A. Yes sir.
Q. When you knew them were they living there? A. Yes sir, and they went by the name of Vincent.
Q. How long did they continue to live there in North Alabama? A. They lived there up to '81.
Q. How long did you live there? A. Till '81.
Q. Where did you go to then? A. After I left Alabama?
Q. Yes? A. I come to Arkansas.
Q. What place in Arkansas? A. Pine Bluff.
Q. Did you know Commissioner Breckinridge? A. Yes sir.
Q. Did you and Millie White and Yancy Vincent move there together from Alabama? A. I come in August, Yancy come in November, and Millie at Christmas in '81.
Q. How long did you stay at Pine Bluff? A. I come to the Cherokee Nation in 1893.
Q. Which came first, you or Millie White and Yancy Vincent? A. I come on the train and brought Millie with me. Yancy come through the country.
Q. Had Millie Married? A. Yes sir.
Q. Where did she marry? A. In North Alabama.
Q. She was married when she came to Pine Bluff? A. Yes sir.
Q. Where did Yancy marry? A. In Arkansas, near Pine Bluff.
Q. Was Yancy ever married more than once? A. Yes sir.
Q. Was he married the first time at Pine Bluff? A. No sir, he was married in North Alabama.
Q. What became of his first wife? A. She died after they come to Arkansas, down there about Wabeeska.
Q. And he married the second time at Pine Bluff, Arkansas? A. Yes sir.
Q. Did you live in the town of Pine Bluff? A. No sir, I lived six miles in the country.
Q. Where did these people live? A. When they first stopped they were on the Trulock place near Wabeeska, and then they went from there to the Cherokee Nation.
Q. You said you brought Millie along on the train? A. Yes sir.
Q. Did her husband come along? A. He come through the country
Q. What was her husband's name? A. Gib White.
Q. Was she ever married but the one time? A. No sir.
Q. Do you know Millie White's children? A. Yes sir.
Q. Do you know one by the name of Jim H. White? A. Yes sir.
Q. Is he married? A. Yes sir.
Q Do you know his wife's name? A. Sarah.
Q. Has he any children? A. Yes sir.
Q. How many? A. I think he has got about four.
Q. Do you know their names? A. No sir, they are small. They all have nicknames, and I don't know them.
Q. Do you know any of the others of Millie White's children? A. Yes sir.
Q. What are their names? A. I know Harry.
Q. Where was harry born? A. In North Alabama.
Q. Do you know where Jim H. Was born? A. InNorth Alabama.
Q. Have they a younger child named Viola? A. Yes sir.
Q. Where was she born? A. In North Alabama.
Q. All three of these children were born in North Alabama? A. Yes sir, and one named Annie, too.
Q. Have they got another on by the name of Annie? A. Yes sir, and one by the name of Ruthie.

Q. Where is Annie living? A. She is staying on Mr. Payne's place.
Q. Who did she marry? A. Bill Thomas.
Q. Is he a Freedman? A. Yes sir.
Q. He married Annie White? A. Yes sir.
Q. They were married down here in the Cherokee Nation? A. Yes sir.
Q. Where was Annie Thomas born? A. In Alabama.
Q. Did you say that you brought Millie White with you on the train when you came in '81 from Pine Bluff, Arkansas? A. Yes sir, I came with her.
Q. Had she ever been in the Cherokee Nation before? A. Not that I know of.
Q. They never claimed then that they belonged here? A. No sir, not as I heard.
Q. They never claimed them to be citizens of the Cherokee Nation? A. If they did I didn't hear them.
Q. When did Yancy Vincent come to the Cherokee Nation? A. In '88, inAugust.
Q. Was it before or after you came? A. After. I came in February.
Q. Where did he leave when he came here? A. Down there about a place they call----down below Wabeeska?
Q. How far from Pine Bluff? A. I don't know how far it is. He worked down there in some shingle mills.
Q. Has Yancy Vincent a family? A. Yes sir.
Q. You say he married his second wife at Pine Bluff? A. Yes sir.
Q. Did he have any children by his first wife? A. Yes sir.
Q. What are their names? A. Lish, Matilda, and William Yancy.
Q. Did he have a child by his first wife named William Yancy? A. Yes sir.
Q. Where is he? A. He died. He and his mother both died down there.
Q. Has he any children by his last wife? A. Yes sir.
Q. Do you know their names? A. No sir, I don't know them--- I mean I don't know their names. He has three or four there. They are small. I have got the name of one of them right on my tongue, but I can't call it.
Q. Is one named Celwest? A. Col--- that is it. I do not know about any but Col, but he is going to school with my children.

COMMISSION:

Q. How old do you say you are? A. According to the way my age is given to me, I will be 47 the first of June of this year.
Q. Who was the mother of Millie White? A. Her mother was named Charlette.
Q. Did you come with Millie White and Yancy Winvent from Alabama to Arkansas? A. I did not come with them, but they come to Arkansas in the same year.
Q. Who came first? A. Me. I got Huwe first.
Q. When did you come? A. In '81.
Q. Did you know Millie White and Yancy Vincent all the time from the war up to the time you came to Arkansas? A. I knew wed them ever since directly after the surrender.
Q. Did you know them continuously? A. Yes sir.
Q. How near did you live to them? A. Sometimes on the same place, and sometimes just be moved off to other places, like people do.
Q. Could they have gone away for about a year at the close of

the war and you not know anything about it? A. Yes sir.
Q. Could they have gone away for more than a year and you not know it? A. They might have gone for two years.
Q. Did they ever tell you that they had been to the Cherokee Nation prior to 1881? A. No sir.
Q. Did you meet them often? A. Yes sir, excusing the two years I have spoke about. At that time I was up on the Tennessee river.
Q. You visited at their houses? A. No sir, but I saw them at church.
Q. Did you ever take any meals at their houses? A. No sir.
Q. You never heard them say anything about being in the Cherokee Nation? A. No sir.
Q. Did you ever live in Argenter? A. No sir.
Q. Did you ever live in Little Rock? A. No Sir.
Q. Are you an applicant before this Commission as a Freedman? A No sir, I am a state man.
Q. Have you ever made any application before this Commission? A. No sir.
Q. When did you first find out that Millie White and her relatives had made application as Cherokee Freedmen? A. Let me see--- I do not know. I couldn't tell just exactly when, but I have been hearing it a good while.
Q. About when did you hear it first? A. It has been two or three years, I reckon.
Q. Did you tell anyone at the time you heard this that these people were living in Alabama at the time of the war? A. No sir, nobody never asked ~~member xxx~~ me about it.
Q. When were you first asked to testify in this case? A. I believe last year.
Q. Who asked you? A. I believe Mr. Frank Morgan asked me if I knewed them in Alabama, and I told him --yes, I knewed them.
Q. Have you ever had any trouble with any of these applicants? A. No sir.
Q. Are you good friends? A. Yes sir.
Q. How near do you live to them? A. I live about a mile from Yancy --- it may be a few steps over a mile, but we call it a mile.
Q. Did you ever talk to Yancy about this case? A. No sir.
Q. Did you ever talk to Millie White about it? A. No sir.

Mr. Hastings:

Q. You are sure you are not mistaken? A. No sir, I know these people.
Q. You understand do you that you are under oath? A. Yes sir.
Q. You swear positively that you know of your own knowledge that from about two years after the war up to 1881 these people lived in Alabama? A. Yes sir, excusing the two years that I was up on the Tennessee river.
Q. Then, with the exception of two years after the war up to 1881 you know that these people lived in Alabama? A. Yes sir.
Q. They might have been in the Cherokee Nation those two years after the war? A. They might have been but I never heard of it.

COMMISSION:

Q. Where were you when you can first remember? A. I was livig there with Vincent.

Q. With your old master? A. Yes sir.
Q. Where was Millie White at that time? A. She was on the place. I was his servant-- to wait on him, and Millie was on the place.
Q. Where was Yancy Vincent? A. He was on the place, too.
Q. Was Millie White married when you can first remember? A. Yes sir, they said that she was married.
Q. Did you go away from there a year or two after the war? A. A. I left and went up on the Tennessee river and stayed two years.
Q. How far from where you had been living? A. About 15 miles.
Q. When you came back were these people still living there? A. I didn't see Yancy, but I saw Millie.
Q. How long after you come back? A. About six months. You know a boy running around, like me, nobody could keep him at home. But I saw Yancy about six months after that.
Q. Had the war closed when you left there? A. Oh! yes sir, that was after the surrender.
Q. How long after the surrender was it that you went up on the Tennessee river? A. I went up there in '70.
Q. Then up to '70 from your very earliest recollection Millie White and Yancy Vincent were there on old man Vincent's place? A. Yes sir.
Q. You said that they belonged to the man to whom you belonged? A. Yes sir, I always heard that they belonged to Vincent.
Q. They went by the name of Vincent? A. Yes sir.
Q. What was their mother's name? A. Charlotte.
Q. What name did she go by when you can first remember? A. Vincent.
Q. Did she belong to the same party? A. Yes sir. I have always heard so.
Q. She was living there when you can first remember? A. Yes sir.
Q. What was her name --- was she married --- this Charlotte? A. No sir, she didn't have no husband. She was sold from her man and he was sent to Tennessee.
Q. Did Charlotte ever come to this country? A. No sir, she died in Jefferson County, Arkansas, in '93.
Q. Did she come out there with Millie White and Yancy Vincent in '81? A. Yes sir.
Q. She never was here, then? A. I never heard it mentioned that she ever was here.
Q. You never heard it claimed that she was? A. No sir, I never heard Cherokee Nation named among them, and I never heard them claim to be Cherokees at all.
Q. They have always been known as the slaves of this man Vincent, to whom they belonged? A. Yes sir.
Q. You do not know how old you were when you can first remember, but you have known them ever since you could know anything? A. Yes sir. I do not know just exactly how old I am, for I take it from what the othergave me and count it the best I can.
Q. You say you belonged to Vincent? A. Yes sir.
Q. In Alabama? A. Yes sir.
Q. What was he --- a white man? A. Yes sir.
Q. Did you know a man called Ben Johnson in Alabama? A. No sir
Q. Millie White says that she was the slave of Annie Johnson, the wife of Ben Johnson, and that Annie Johnson was a Cherokee. Is that true? A. I didn't know this fellow Johnson.
Q. Did a man by the name of Johnson ever own any slaves there, that you know of? A. Not that I know of. I never heard it at all.
Q. If Millie White had been the slave of a man called Ben Johnson

would you have known it? A. I spect so, for I know who they say she did belong to.

Q. Did you know her throughout the war? A. No sir, I was too little. About the second year after the surrender I commenced knowing people, just like children do. I was born in time of the war.

Q. Do you swear that Willie White was the slave of a man called Vincent? A. I have always heard that, and she went by that name.

Q. Was Willie White living on the place of this man Vincent during the war? A. Yes sir, when I came to know her.

WITNESS EXCUSED.

W. J. Davis, being duly sworn, testified as follows:

Q. What is your name? A. W. J. Davis.
Q. What is your age? A A. I am 52.
Q. You have been sworn? A. Yes sir.
Q. What is your post office address? A. Rowland, I.T.
Q. Do you know Willie White? A. Yes sir.
Q. Do you know her husband, Gib White? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. When and where did you first know Willie White and her husband Gib White? A. I knew them in Jefferson County, Arkansas, at Pine Bluff.
Q. When did you know them down there? A. I got acquainted with them in 1890.
Q. What is your business? A. Well, I farm a little, and preaches some.
Q. Were you preaching down there in Arkansas? A. Yes sir.
Q. Were they members of your church? A. I was a licensed preacher at that time, but sometimes I preached at the church of which Gib White was a deacon.
Q. Where were they living then? A. On Jim Trulock's place.
Q. Did you know his family? A. Yes sir.
Q. Do you know the names of any of his children? A. He has a son named Jim, one named Harry, a girl named Annie, and I forget the other girl's name. I know four of his children.
Q. Do you know Ruthie? A. Yes sir. Ruthie is a older girl than Annie.
Q. Do you know Viola? A. Yes sir, she is next to the baby.
Q. Were they living with their father and mother in 1890, in Arkansas? A. Yes sir, they were there. I met them in sunday school many a time.
Q. Who came to the Cherokee Nation first, you ar them? A. I come first. I come to the Cherokee Nation in 1890, the fall of 1890, and I left them on Jim Trulock's place. I come here to Muskogee and preached, then went to Vian and they called me as their pastor, and after that I went back to Pine Bluff to move my wife here and I told them the Cherokee Nation was a nice place. I taught sunday school that day, and from my talk they found out that I had been in the Cherokee Nation and after sunday school I was talking to several of them about this country, and Gib White said he believed he would move out here. While I was talking to them I told them I had been called pastor at Vian.
Q. Was Millie and Gib White among those you told about the Cherokee Nation? A. Yes sir, they were on the ground.

Q. Did they know before of the Cherokee Nation? A. If they did I don't know it.
Q. Did they claim at that time to have ever been here? A. No sir.
Q. Did you, after that time, come to the Cherokee Nation? A. Yes sir, I come back in '91.
Q. When did you first see them up here after that? A. I seed them in the Cherokee Nation in '93.
Q. Do you know how long they had been here when you first saw them --- did they say anything about when they came? A. Yes sir, the first time I met up with them after they come, I went over to Fort Smith, and I had the pleasure of meeting up with Gib White and he said to me "I am glad to see you. I am living in the Cherokee Nation now, I come week before last"
Q. That was in '93? A. Yes sir.
Q. Did you know Millie White's mother? A. Yes sir.
Q. Do you know her brother, Yancy Vincent---did you know him in Arkansas? A. Yes sir, I seed him there, but me a being a preacher and him a sinner, I didn't know him very well.
Q. About when did you see him up here? A. I think it was in 1895 or 1896. I think Gib was here two or three years before I saw Yancy.
Q. Did you ever hear them say in Arkansas where they were from--to whom they had belonged? A. No sir, I never heard them say anything about it.

CONTINUED:

Q. The first time you got acquainted with Millie White was in 1890? A. Yes sir.
Q. You know nothing of their history prior to that time? A. No sir.
Q. Where did you say you met them in Arkansas? A. On Jim Trulock's place, near Pine Bluff.
Q. Do you know Sam White of Van Buren? A. I know one Sam White. He is a baptist preacher.
Q. How old a man is this Sam White? A. I don't know, sir. He is enough older than me. I think he is about 60 or 70 years old.
Q. Are you an applicant here as a Cherokee Freedman? A. My wife is, but I am not.
Q. What is your wife's name? A. Julia. She was a Johnson before I married her.

WITNESS EXCUSED.

Lewis Johnson, being duly sworn, testified as follows:

MR. HASTINGS:

Q. What is your name? A. Lewis Johnson.
Q. What is your age? A. About 53.
Q. What is your post office address? A. It has been Benge, but it is Rowland now.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. That is in the vicinity of Fort Smith? A. Yes sir.
Q. How long have you lived in that vicinity? A. I have lived there all my life.
Q. How far do you live from Fort Smith? A. About four miles west.
Q. That is known as the Fort Smith Bottom? A. Yes sir.

Q. To whom did you belong before the war? A. Ben Johnson.
Q. Where did Ben Johnson live? A. Just this side of the river, just this side of Fort Smith.
Q. Were you living there with him when the war came up? A. Yes sir
Q. Do you know Millie and Gib White? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. Do you know their families? A. Yes sir.
Q. Do you know Jim White, the son of Gib White? A. Yes sir.
Q. Is he married? A. Yes sir.
Q. Do you know Harry White? A. Yes sir.
Q. Is he also a son of Millie and Gib White? A. Yes sir.
Q. Is Yancy Vincent a man of a family? A. Yes sir.
Q. How far do these people live from you --- do they live in the same neighborhood? A. Yes sir. Vincent lives about a half or three quarters of a mile from me.
Q. How far does White live from you? A. I think they call it about five miles.
Q. How long have you known Millie White and Yancy Vincent and their families? A. I have known Gib White ever since about '93 or '94.
Q. Do you know where he came from there? A. No sir, I don't know where he come from. He said he come from the states.
Q. When did you get acquainted first with Yancy Vincent? A. I guess it was about 1895.
Q. Do you know where he came from? A. He said the same thing--- that he come from the states.
Q. From what state? A. He said "down in the states".
Q. Did you ever know their mother? A. No sir.
Q. You never knew Charlotte? A. No sir.
Q. Did you ever know Millie before 1893 or 4? A. No sir.
Q. Did you ever know Yancy Vincent before 1895? A. No sir.
Q. Did they or their mother ever belong to Ben Johnson? A. No sir, not that I know of.
Q. Did you ever hear of Charlotte belonging to Ben Johnson? A. No sir.
Q. Did you ever see either of them at Ben Johnson's place prior to the war? A. No sir.
Q. Did you ever hear of Ben Johnson hireing out a slave over in the state of Alabama? A. No sir.
Q. Did you ever hear of him hireing out Charlotte, the mother of Millie and Yancy, to a man named Curd Vincent in the state of Alabama? A. No sir.
Q. Did Ben Johnson own a slave at the beginning of the war by the name of Charlotte? A. No sir.
Q. Did he own one by the name of Yancy? A. No sir.
Q. Did he own one by the name of Millie? A. No sir.
Q. You never knew Gib White and his wife before 1893? A. No sir.
Q. And you never knew Yancy Vincent before 1895? A. No sir.
Q. Did you know all the colored people in the bend of the river? A. Yes sir, I know all that live there.
Q. Prior to that time it was more or less thinly settled? A. Yes sir.
Q. You have lived there before the was and after the war continuously, all the time? A. Yes sir.
Q. And you never saw Millie White before 1893 and Yancy Vincent before 1895? A. No sir.
Q. What was your mother's name? A. Mary.
Q. Did your mother ever have a sister by the name of Charlotte? A. I never heard of it.
Q. How old did you say you are? A. About 53.

Q. Do you remember your mother? A. Yes sir.
Q. Was she living when the war came up? A. Yes sir.
Q. When did she die? A. Since the war.
Q. Was she living at Ben Johnson's? A. Yes sir.

CROSS EXAMINATION:

Q? - You said you were the slave of Ben Johnson --- was he a Cherokee Indian? A. Yes sir.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. On the final roll? A. Yes sir.
Q. Have you filed? A. Yes sir.
Q. Got your deed yet? A. No sir.
Q. When did you file? A. I think it was somewhere along about the 24th or 25th. of August.
Q. How many slaves did Ben Johnson have when the war broke out? A. I don't know how many.
Q. Have not you some idea how many? A. A. No sir.
Q. Did he have a large number or just a few? A. He had a large number.
Q. Did you know any of them personally? A. Yes sir, I knowed every darky he had.
Q. Do you know whether Johnson hired out any of them about the beginning of the war? A. No sir, he didn't that I know of
Q. Was he in the habit of hireing slaves out?A. Well, there was one woman there by the name of Big Mary. He hired her out in Fort Smith, and she is the onliest one that he hired out that I knowed of.
Q. How far was that from his home? A. Just right across the river.
Q. Do you know Annie Thomas? A. Yes sir.
Q. What is her husband's name? A. Bill
Q. What is his mother's name? A. Carrie West, now.

WITNESS EXCUSED.

Ben White recalled.

Mr. Hastings:
Q. You were subpoenad up here as a witness? A. Yes sir.

WITNESS EXCUSED.

Sam White, being duly sworn, testified as follows:

DIRECT EXAMINATION:

Q. What is your name? A. Sam White.
Q. How old are you? A. 78 last Saturday.
Q. Where did you live shortly before the outbreak of the war? A. My home was in Newton County, Missouri, but I was living in Van Buren. I come there in 1844.
Q. Are you acquainted with Millie White? A. Yes sir, I have met her. She was a small girl though, when I saw her.
Q. Do you mean when you first saw her? A. Yes sir.
Q. Were you acquainted with her mother? A. Yes sir. I was very well acquainted with her mother
Q. What was her mother's name--who did her mother belong to?

A. Mr. Johnson.

Q. Did she belong to Mr. Johnson? A. She belonged to the Johnson family, she belonged to Mrs. Johnson.

Q. Were you acquainted with the mother of Willie White? A. Yes sir.

Q. When did you first know her? A. I think the first time I saw her was --- the first time that I remember of seeing her was in '58.

Q. What was Willie White's mother's name? A. Charlotte. I believe it was in '58 the first time I saw her.

Q. It was some time before the war? A. Yes sir. A good while before the war.

Q. At that time, you say she was the slave of the Johnsons? A. She belonged to the M Johnson family, and I learned that she belonged to Mrs. Johnson.

Q. Do you know where she was at the outbreak of the war of the Rebellion?? A. She was around home, I reckon.

Q. Do you know anything about the circumstances of her going to Alabama? A. Yes sir.

Q. What do you know about it? A. I must tell you in my own way. Before the war you know the negroes that belonged to the different owners who could were permitted to preach to the colored people. I was preaching to the colored people at Mr. Johnson's, in other words, I mean to say, that Mr. Johnson had me to preach to his slaves just before he was going away with some of them, he had me to go over and preach to the Starr negroes.

Q. Well, you went over there and preached? A. Yes sir, that was about the time she was going to leave to go to Alabama.

Q. If at that time you had any conversation with the master or mistress of of Charlotte about her removal to Alabama, tell us about it. A I didn't have any conversation with Mr. Johnson about it at all. Mrs. Johnson said Charlotte was her favorite negro. She had come by her from her mother's estate and she didn't want to part with her. There was some sort of a debt that Mr. Johnson wanted Charlotte to go for so as to liquidate that debt. Mrs. Johnson wouldn't sign the bill of sale, so Mr. Johnson hired Charlotte to this man to liquidate the debt some way or other, and I was in there preaching and Mrs. Johnson wanted me to console Charlotte by letting her know that she would come back home again. So she went away under those circumstances, and that is all I heard Mrs. Johnson say about it.

Q. Did you see the man, Vincent, who was to take her away?

A. I did not. Soon after that time these people got away to Alabama-- that is, I mean to say in other words, I was told that they went away to Alabama. I never saw Charlotte any more for several years.

Q. Did you see her any more before the war? A. No sir, I didn't.

Q. After the war when did you first see this woman---Millie White --- under what circumstances? A. The first time that I saw Millie after that was at Fort Gibson. I will have to tell it in my own way so you can get at it. I was detailed as a recruiting officer in the army, and there were a good many colored people at Fort Gibson, and I went down to their camp hunting up names, and I found Millie down there. To use her language, she told me she was just on her return to her home.

Q. Do you mean Millie, or the mother of this Millie? A. I do not mean Millie, but Charlotte Johnson.

Q. When was that? A. That was in '65 I think.

Q. Did you see --- you say you saw her in Fort Gibson in '65?

Did you see her the next year? A. Yes sir. In '66 we organized a church down at what is commonly known as Jackstown.
Q. In the Cherokee Nation? A. Yes sir.
Q. In Fort Stream in the Cherokee Nation? A. Yes sir, I suppose so.
Q. About when did you organize that church? A. I think, as well as I can remember, that it was in August of '66.
Q. State whether or not at that time, as pastor of that church, Charlotte Johnson, the mother of Millie White, joined your church? A. She did.
Q. You think it was in August, '66? A. Yes sir, I think so.
Q. After that time how long did you know Millie? A. I didn't say Millie. I just preached there that year and until about the middle of '67, then I went to Pine Bluff.
Q. Q. After than how long was it until you renewed your acquaintance with Millie White---- I mean Charlotte Johnson? A. Well, I don't know.
Q. Are you sure of the fact that this Millie White, the applicant herein, and the woman that came with you this morning, is the daughter of Charlotte Johnson? A. Yes sir.
Q. Are you acquainted with her brother, Yancy Vincent? A. Yes sir, I have seen Yancy, but to say to know him, I couldn't.
Q. Did Charlotte have any children when she came back after the war? A. Yes sir, she had a good sized little girl.
Q. Did she have any other children? A. She had a little boy with her, but he has growed out of my knowledge.
Q. You do not know whether that boy is Yancy Vincent or not? A. I just know what they say about it.

MR. RAYMES:

Q. Where do these people live now? A. Down here in the Cherokee Nation somewhere.
Q. Have you been to their places? A. No sir.
Q. Did you ever see them living in the Cherokee Nation? A. Yes sir.
Q. When? A. Well, it has been ---- I don't know exactly how many years ago. They used to live right above Mr. Stoneroad's
Q. How long ago now? A. 8 or 10 years ago.
Q. Did you ever see any of these applicants living in the Cherokee Nation prior to 8 or 10 years ago? A. Yes sir, I saw their mother.
Q. Where? A. She lived there up above or up on Garrison Creek.
Q. When? A. They lived up there in '72 ---'71 or 2.
Q. Who lived up on Garrison's Creek? A. Millie White's mother
Q. Charlotte Johnson? A. Yes sir.
Q. How far is that from Fort Smith? A. It is about 7 or 8 or 10 miles.
Q. Was Millie White living with her mother then? A. I don't know whether she was living with her mother or not.
Q. What was Charlotte Johnson's husband named in '72? A. Well now, I don't know whether she had a husband or not.
Q. Were you at her house then? A. Yes sir.
Q. Where did she live in '72? A. I don't know if I could tell you exactly where she lived except you know where old man Jack Campbell lived? She lived about three miles from there.
QQ. What direction? A. South or southeast.
Q. Was that down the creek? A. No sir, it was in this direction.
Q. That would have been on the south side of the river, wouldn't it? A. No sir. It was on the north side of the river.

Q. You do not know whether she had any family living there with her or not at that time? A. She had a boy there.
Q. What was his name? A. She called him Yancy.
Q. And you saw Yancy there living with her in '72? A. Yes sir
Q. When did you see her next after '72? A. Q. I didn't see her any more.
Q. When did you next see Millie White? A. I don't remember seeing her any more to know her until a few days ago.
Q. What kind of a house did they live in? A. A little log house. It was on a man's place by the name of McKibben. McKibben was running the farm.
Q. Did McKibben own the farm? A. I don't know whether he owned it or had it leased.
Q. How far was this cabin from the river? A. I expect it was a mile or two.
Q. Did you ever see this Charlotte in Pine Bluff? A. No sir
Q. Did you ever see Millie White there? A. No sir.
Q. Did you ever see Yancy there? A. No sir.
Q. Did you ever live in Pine Bluff? A. I have been there a while, but it was never my home.
Q. What was Ben Johnson's wife's name? A. I couldn't tell you.
Q. Did Ben Johnson have any children? A. Yes sir.
Q. What were their names? A. He had one son named Ben, and t two more boys, but I couldn't call their names.
Q. What kind of a house did Ben Johnson live in? A. A double log house.
Q. Did this slave belong to Ben Johnson's wife? A. That is what I understood. That is what Mrs. Johnson told me.
Q. But you never saw her at Ben Johnson's home after '55? A. No sir.
Q. Did you know that she was living in Tuskumba, Alabama? A. No sir.
Q. Are you a Cherokee Freedman? A. No sir.
Q. How old was Millie in 1855? A. I do not know, sir.
Q. About how big was she-- was she born? A. Yes sir, she was born.
Q. How large was she? A. She was a small girl.
Q. How old was she? A. I couldn't tell you. To look at her, she looked like she was 6 or 7 years old.
Q. How old was Yancy in '55? A. I never saw Yancy---When I first saw him he was about 5 or 6 years old.
Q. Where were they when you first saw him? A. In a tent at Fort Gibson.
Q. Where were they? A. Down in what was known as the counter-bine camp.
Q. Was Millie married at that time? A. Not that I know of.
Q. Was her husband there? A. She wasn't married that I know of.
Q. How long were they there? A. Not long.
Q. One day? A. Longer than that.
Q. Was the war over? A. In '65? Yes sir.
Q. When did you see them next? A. In '72.
Q. Where did you see them then? A. They were down at the church --- I mean, that is to say, Charlotte was at church.
Q. You never saw Millie? Nor Yancy? A. I never saw Millie --- I had saw Yancy I reckon, but I never saw Millie from the time that she come down with her mother to church till I went to Pine Bluff and back.
Q. Did you see her in Pine Bluff? A. No sir.
Q. When did you come back from Pine Bluff? A. In '74.
Q. Then where did you see her in '74? A. In Jacktown.

Q. Was she living there? A. I dont know. She was there at church.
Q. Did you see her frequently after that? A. No sir, for I quit preaching there. The next time I saw her she was in Van Buren.
Q. Was she living there? A. No sir, she was on a visit.
Q. When you saw them up here at Fort Gibson, how did they say they ever got back from Alabama? A. They said that Mr. Vincent sent them back.
Q. Did Ben Johnson have anyother slaves? A. Yes sir.
Q. Name some of them? A. Well, he had -- that is --- I mean to say that Mrs. Johnson had two more slaves.
Q. What were their names? A. Mariah and Rebecca.
Q. Were they the only slaves about the place? A. They are all I saw.
Q. Did Ben have any slaves? A. I don't know.
Q. Then you only saw Mariah, Rebecca and Charlotte there the last time? A. Yes sir.
Q. You preached there? A. Not at the house but once.
Q. You didn't see any other negroes? A. I saw some more, but I didn't know whether they belonged to Mr. Johnson or not.
Q. You do not know who they belonged to? A. No sir, all I know is what Mrs. Johnson told me.
Q. That was in '55? A. Yes sir. She told me just before they left home. That was in '55 I think, but I am not so sure about it.
Q. What year did you say it was? A. '54 or '55, just before the war commenced.
Q. How many years before the war? A. It must have been 10 or 11 years before the war.
Q. That is your best judgment? A. Yes sir.
Q. How many years after the war was it till you saw them back here again? What I want to learn is this---how long after the war was it that you saw Charlotte, Millie and Yancy? A. I saw them during the war.
Q. I want to know how long after the war? A. I saw them in '66---they were down here at Jacktown.
Q. What time in '66? Do you mean to swear on the stand that you know these people did belong to Ben Johnson's wife, and that you saw them here in the Cherokee Nation in '66? A. I mean to say that.
Q. You are a slave yourself? A. Yes sir.
Q. You are a preacher? A. Yes sir.
Q. When did you first see Millie White's husband? A. I don't know that I ever saw Millie White's husband.
Q. Has she got any children? A. Who?
Q. Millie White? A. I don't know.
Q. When did you first see Millie White after '66 in the Cherokee Nation? A. I saw her, as I remember, about the time that we were carrying on a revival at Jacktown, in August.
Q. Where did you next see her? A. I think I next saw her in Van Buren.
Q. Did you ever see any of her children? A. If I did I didn't know it.
Q. Did you ever see her husband? A. I do not know if I have ever saw her husband.
Q. Do you know her husband's name? A. No sir.
Q. Do you know where Yancy Vincent was married? A. No sir.
Q. You do not know that he was married in Alabama? A. No sir
Q. You didn't know that his wife died at Pine Bluff? A. No sir
Q. How long has Yancy been living in the Cherokee Nation? A. I don't know.

Q. When did you see him in his house in the Cherokee Nation? A. I never saw Yancy Vincent keeping house anywhere.
Q. Were you ever at Millie White's house? A. No sir.
Q. Where did Charlotte die? A. Up there in the Nation some where.
Q. In whose place? A. I don't know.
Q. Don't you know thatshe died at Pine Bluff, Arkansas? A. No sir, I don't.
Q. Will you swear that she did not die at Pine Bluff, Arkansas? A. I will swear that if she did I don't know it.
Q. Where did you ever see her living in the Cherokee Nation after the war? A. She was up here on Garrison Creek.
Q. That is three miles southeast of the Jack Campbell place? A. Yes sir.
Q. You do not know Mrs. Johnson's name? A. No sir.
Q. And you do not know any of the slaves except those you mentioned? A. No sir.
Q. Who was Charlotte Johnson living with when you saw her there? A. I don't know who she was living with. She was living in a cabin there, and I came by and stopped. I was working at that time for Mr. McKibben.
Q. You did not see her children then? A. No sir, I just stopped there. I was working for Mr. McKibben.
Q. You didn't see any man about the place? A. I don't think I did.
Q. Did she die right there? A. I don't know.
Q. You do not know whether she had any husband or not? A. No sir.
Q. How old was this Charlotte Johnson when you saw her before the war? A. She was a grown woman.
Q. Do you think she was 20 years old? A. I suppose she was.
Q. What is your best judgment? A. I suppose her to be about 20 years old.
Q. Yancy was not born then? A. I reckon not.
Q. What is your post office address? A. Van Buren, Arkansas.

COMMISSION:

Q. You say you first saw Charlotte Johnson about the year '55? A. Yes sir.
Q. When did you next see her? A. I saw her again ---the first time I saw her was in '55, and then I saw her again just about the time or a little before she left home.
Q. She left the Cherokee Nation about '55, didn't she? A. Yes sir.
Q. How soon after that did you see her? A. It was in --- it must have been '65.
Q. Where did you see her at that time? A. At Fort Gibson.
Q. When did you next see her? A. It was at Jacktown. I think it was probably in the same year or the year following--in '66
Q. Where did you next see her? A. I saw her tolerably frequently then till I left there, and then I never have seen her any more.
Q. Do you know whether she is living or not? A. No sir.
Q. When was the first time you saw Millie White? A. I saw her with her mother in '55.
Q. And then they went to Alabama in that year, didn't they? A. A. That was my understanding.
Q. Then when did you next see Millie? A. With her mother at Fort Gibson.
Q. Then where next? A. With her mother at Jacktown in '65 or '66.

Q. When did you next see her? A. I saw her in Van Buren, I think it was in '67.
Q. Where did you see her after that? A. I have not seen Millie any more until here about, probably, a year ago.
Q. From 1867 up to 1904 you have never seen her again? A. No sir.
Q. Do you know whether this Millie White, that is an applicant here, is the same Millie that you knew in 1867? A. I don't know, only she claims she is the same Millie.
Q. You do not know whether she is the same one? A. I wouldn't swear that she was the same one, for she was a little girl the then.
Q. You saw her in 1867 in Van Buren, Arkansas, and then you never saw her again until 1904? A. Yes sir, that is correct
Q. You think you can not be mistaken about her being the same one? A. I do not say that I could not be mistaken.
Q. Do you know the name of the man to whom she was transferred in 1888? A. Yes sir, Mr. Vincent.
Q. What was his first name? A. I don't know his first name. I always heard them call him Mr. Vincent. I want to understand you--- did you say Millie or Millie's mother?
Q. I said Millie, but I meant her mother, Charlotte. You stated just now in your examination in chief that you opened a church in Fort Gibson in 1866? A. No sir, not in Fort Gibson.
Q. You stated that Millie joined the church? A. I said Millie's mother joined the church.
Q. Where? A. At Jacktown.
Q. Have you got any record of that at all? A. I think I have
Q. Have you a list of all of the communicants in the church at that time? A. I have the list of most of them.
Q. Have you it with you? A. No, part of it is at home, and part of it was destroyed by an overflow.
Q. Does the part that was destroyed refer to 1866? A. No sir. The roll have got descroyrd---the roll of membership.
Q. Then you have no record of it at all? A. Yes sir, I have a record of the organization.
Q. Have you a list of the members of the organization? A. I told you just now that that got destroyed by an overflow.
Q. When was the overflow? A. Last year.
Q. Did you have it in your possession last year? A. Yes sir.
Q. Do you know the names of all the members of your congregation at that time? A. No sir.
Q. How did you remember specially the name of Charlotte? A. It was because I had some talk with Charlotte.
Q. How many of the members of your congregation, at the time Charlotte joined the church, do you remember now? A. Jack Campbell, Jack Campbell's wife, Sarah, Millie Starr, George Benton, Martha Steel, Morgan Ellison, Isom Thomas, Bell Vaughn, and Mary Haney.
Q. How many were there in the congregation? A. 10 or 12.
Q. Are those people, whose names you mentioned, living? A. I do not think any of the Campbell family are living. I don't know whether any of the Starr negroes are living.
Q. Are any of those that you mentioned living? A. Yes sir.
Q. Who are they? A. Isom Thomas is living.
Q. Where is he living? A. At Newport, Arkansas.
Q. Is he a Cherokee Freedman? A. No sir I reckon not.
Q. All of these were members at the same time that Charlotte was? A. Yes sir.
Q. That was in '66? A. Yes sir.
Q. Are you positive about that? A. Yes sir.
Q. Can you fix the month? A. I am not right positive, but I think it was the latter part of August or the first of September.

Q. At that time Charlotte was a member of your church? A. Yes sir.

MR. HASTINGS:

Q. Where was this church? A. At Jacktown.
Q. Where did they live? A. They lived about two or two and a half miles from the Stonecroad place.
Q. What direction? A. It was northwest from the Stonecroad place.
Q. On whose place did they live? A. Jack Campbell's place.
Q. I believe you have just answered the Commission that you never saw either Willie or Charlotte after 1867 until you saw Willie last year. That is the truth is it? A. I think it is. I do not remember seeing her since I saw her in Van Buren in '67.
Q. You testified awhile ago that you saw Charlotte in 1872, didn' you? A. I might have seen her them.
Q. But you told the Commission that you had not seen her since '67? A. I told him I didn't think I had.

COMMISSION:

Q. How old are you? A. I was 78 years old last Saturday.
Q. Can you read and write? A. Yes sir.
Q. Can you read and write well? A. Sufficient for the people to understand it.
Q. Can you write a letter? A. Yes sir.
Q. What is your business? A. Farming and preaching.
Q. How much farm have you? A. 40 acres.
Q. In cultivation? A. Yes sir.
Q. Does it belong to you? A. Yes sir.
Q. Do you remember any of the Johnsons having a slave by the name of Lewis? A. I do not know. He might have had.
Q. How many of the slaves of Ben Johnson did you know? A. A. Not any of them Hardly. The only way that I knew any of the slaves of Mr. Johnson -----
Q. Do you remember a slave by the name of Lewis Johnson? A. I do not. I have heard of him, but I don't know him.
Q. Do you know that man (indicating Lewis Johnson)? A. I have saw him.
Q. Did you ever see him on Ben Johnson's place? A. I do not know that I ever have.

COMMISSION TO LEWIS JOHNSON:

Q. Do you remember that man? A. I have saw him, but I don't know him.
Q. Do you remember the time that Charlotte Johnson was sent to Alabama? A. No sir.

MR. HASTINGS TO LEWIS JOHNSON:

Q. Did this man ever preach on Ben Johnson's place or at Jacktown after the war? A. I don't know.
Q. Did Charlotte Johnson, the mother of Willie White, live there on Jack Campbell's place after the war? A. I don't know. There was one Charlotte Johnson that belonged to Anderson Johnson, but she was a little girl.
Q. Was she a little girl after the war? A. She wasn't grown.
Q. What became of her? A. She is down there now.
Q. Is she living yet? A. Yes sir.
Q. Did she ever marry? A. Yes sir.

Q. What was her husband's name? A. She was married to a man by the name of Burton.
Q. Was there any Charlotte Johnson who was a slave before the war, and who was grown, who lived in that country at all? A. Not that I know of.
Q. Could there have been a slave of Ben Johnson by the name of Charlotte and you not know her? A. I think not.
Q. Where did Ben Johnson live? A. In Sequoyah District, this side of Fort Smith.
Q. Did Ben Johnson or his wife own a slave by the name of Charlotte when the war came up? A. I never knew it.
Q. Did you ever hear of them hiring out a slave to a man by the name of Vincent, in Alabama?
(Neal & London object to the question, because it is hearsay testimony)
(Objection noted)
A. No sir.

Neal & London, not being present when Lewis Johnson was first examined, heard his testimony read, and now cross examines him.

NEAL & LONDON:

Q. Was Ben Johnson a Cherokee? A. No sir, he was a white man and his wife a Cherokee.
Q. What was her name? They called her Annie.
Q. You say you never knew Charlotte Johnson, the slave of Annie Johnson? A. No sir.
Q. Were you a house servant or a field nigger? A. I worked around the house.
Q. How old were you? A. I don't know exactly how old I was.
Q. You are 83 now? A. Somewhere along about that.
Q. You would be 9 years old when the war broke out, wouldn't you? Just a little boy like that (measures as high as the table)? A. I was bigger than that.
Q. You said you are 83, and that would make you only 9 years old then. Do you mean to testify that you knew all of Johnson's niggers, both the house servants and the field hands? How many did he have? A. Yes sir, I knew them all, but I couldn't tell you how many there were. I couldn't count them.
Q. You mean to say that at 9 years of age --- could you read and write at that time? A. No sir.
Q. Can you read and write now? A. No sir.
Q. You mean to say that at that time you knew all of those darkies, A. Yes sir.
Q. You say you never heard of a slave belonging to Annie Johnson named Charlotte? A. Yes sir.
Q. Who was this little girl named Charlotte Johnson? A. That was Andersen Johnson's slave.
Q. In 1855 --- six years before the war broke out --- when you were three years old--- do you know whether or not Ben Johnson and Annie Johnson hired, to a man by the name of Vincent, a slave by the name of Charlotte? A. In 1855?
Q. Yes, just 4 or 5 years before the war? A. He never hired nobody.
Q. You are certain of that, are you? A. Yes sir.
Q. You knew that if he had hired one out at that time you would have known it? A. Yes sir.
Q. Can you tell us of something that happened when you were 3 years old? A. I don't know just how old I was.

Q. Tell us something that happened when you were three years old
A. I said I was somewhere about 55 years old. I don't know exactly how old I am. I am just about like I told you.
Q. Then, at three years of age you are willing to testify that Ben and Annie Johnson did not hire a slave by the name of Charlotte to a man by the name of Vincent? A. I didn't say I was three years old.
Q. You mean to say that if they had a slave by the name of Charlotte that they hired to a man by the name of Vincent, you do not know it---that it was before you could remember?
A. I mean to say that Johnson didn't hire any slave by that name since I can remember.
Q. About how old can you first remember to have known things?
A. I can remember before the war.
Q. You remember that you went south; that you got ready to go; and that you were delayed about a month before starting --- you remember that it was a week or ten days, or maybe a month before you got started? A. I couldn't remember just how long it was, but I remember fixing.
Q. Don't you remember that they waited two or three months to hear from Alabama--- to get this Charlotte back? A. No sir, I don't remember anything like it.
Q. You do remember, though, when you were three years old, that there was no slave by the name of Charlotte? A. I didn't say I was three years old. I don't know just how old I was. I was a pretty good size boy.
Q. Are you an applicant for enrollment? A. I am enrolled.
Q. You do not know the names of any of the slaves that belonged to your former master---You do not remember Charlotte Johnson?

(Mr. Hastings --- I am going to interfere with your asking a double cross question. Ask them one at a time and have them answered.) A.Mr.McNeal---I am just giving you some of your own medicine)

Q. You do not remember the names of any of the slaves that belonged to your former master? A. Yes sir.
Q. Well, name one or two of them? A. Mose Johnson, Aaron Johnson.
Q. You mean to testify with reference to Charlotte that you do not remember a slave of that name that belonged to your master?
A. Not since I can remember.
Q. You do not remember what happened before you can remember? A Not before I was born.
Q. Could you remember a thing that happened when you were 3 or 4 or 5 years old? A. Yes sir, I can remember when I was 5 years old, I am satisfied.

COMMISSION:

Q. Were you born the slave of Ben Johnson? A. Yes sir.
Q. Do you know whether they ever had a slave by the name of Charlotte? A. I do not know.
Q. As far as your recollection goes, did they have one of that name? A. No sir.
Q. You do not know just how old you are? A. Not exactly.
Q. You are somewhere between 50 and 60? A. Yes sir, somewhere along there.

MR. NEAL:

Q. You say that this man White did not organize a church at

Jamboree? A. I told you that he didn't as I know of.
Q. You do not mean to say that there was no church organized, but that you didn't know of it? A. Yes sir.

WITNESS EXCUSED.

Ben White recalled for cross examination by MR. A. LAMBERT.

Q. Did you know Millie White's mother? A. Yes sir.
Q. What was her name? A. Charlotte Vincent.
Q. Did you know Millie and her mother before the war? A. I was small in the time of the war.
Q. You remember them directly after the surrender? A. Yes sir
Q. How long after the surrender? A. Maybe a couple of years after the surrender I moved down into the valley and found them down there..
Q. You say there were about two years after the war that you do not know where they were-- whether they were there or not. That would be the latter part of '65 or '66? A. Yes sir, in '70 and '71 I went up on the Tennessee river.
Q. In '70 and '71 you were about how old? A. We had no learning, you know, but I think I was about 13 years old.
Q. You say about two years after the war you moved down into the Valley? A. Yes sir. In passing back and forwards, being sent by my owners, I would see them.
Q. When the war broke out you were about three years old, were you not-- you said awaile ago you was 47? A. Yes sir.
Q. When you moved down into the valley, and remember these darkies, you must have been about 7 or 8 years old? A. About 7 I think.
Q. You have known these darkies well since that time have you? A. Yes sir.
Q. Yancy, and his mother and sister, Millie White? A. Yes sir.
Q. Do not you remember this ---let me see if you remember anything about the real facts in the case. Do you remember a nigger named Gib White? A. Yes sir.
Q. Gib was Millie White's husband? A. Yes sir.
Q. Gib White, in about 1880 or '81--- sometime about then, don't you know that Gib White came to the Territory and married Millie and took her back to Alabama, and that is where you saw them, and then you came out here with them? A. They had great big children in 1881.

MR. HASTINGS:

Q. Where did Charlotte Vincent die? A. She died down in Jefferson County, Arkansas, near Pine Bluff.
Q. You have known her and Millie White ever since you have known anybody? A. Yes sir.
Q. And you knew her up to the time of her death? A. Yes sir.
Q. You say Gib and Millie White were married in Alabama? A. Yes sir.
Q. And their children were born in Alabama? A. Excusing the one that was born in Arkansas. Jim, Harry, Ruthie, Annie, Viola, and then there was another one, I didn't know her name.
Q. Where was Yancy married? A. He first married in Alabama.
Q. Where did his first wife die? A. In Jefferson County, Arkansas, near Wabeeska.
Q. Did he marry then the second time? A. Yes sir.
Q. And you came here in '93? A. Yes sir.

WITNESS MORGAN.

Frank M. Morgan, being duly sworn, testified as follows:

NEAL A [illegible]:

Q. What is your name? A. Frank M. Morgan?
Q. What is your post office address? A. Fort Smith, Arkansas.
Q. Do you know the applicants, Millie White and Nancy Vincent and their descendants? A. Yes sir, I know the most of them.
Q. Did any of them at any time live upon your property? A. Yes sir.
Q. In the Cherokee Nation? A. Yes sir.
Q. When was that and who were they? A. Nancy Vincent rented a piece of land on my place in 1894, and old Gib White and Aunt Millie lived there in 1897 or '98--- maybe it was '99.
Q. Did you know any of them prior to that time? A. I knew Gib White when he came into the Nation. He stopped there on Dr. Bell's place, adjoining mine.
Q. What year? A. In '94 or '95.
Q. Did you ever know any of these applicants prior to 1890? A. No sir.
Q. You are a Cherokee by blood? A. Yes sir.
Q. You are on the final roll? A. Yes sir.
Q. Do you live in the Cherokee Nation? A. I live in Fort Smith, and farm in the Cherokee Nation.

MR. HASTINGS:

Q. How long have you lived in that vicinity? A. Since 1887.
Q. You are well acquainted there? A. Yes sir.
Q. Own a farm in Fort Smith bottom? A. Yes sir.
Q. Never knew any of them prior to 1893? A. No sir.
Q. Do you know where they came from there? A. They said they came from Arkansas. Vincent said he had been making shingles down in Arkansas.
Q. They brought their families with them there? A. Yes sir.
Q. You never knew them before the war? A. No sir.
Q. Never knew them before 1893? A. No sir.
Q. Did they claim to be citizens? A. They didn't claim it to me. I did not know it until a few years ago I heard they were trying to get on the Freedman roll.

MR. NEAL:

Q. You did not know them until along about 1894 to 1896? A. No sir.
Q. Gib White is not an applicant for citizenship? A. No, but his wife is.
Q. What did you say about seeing them about 1894? A. They were on Dr. Bell's place then.
Q. You live in Fort Smith? A. Yes sir.

WITNESS EXCUSED.

CASE CLOSED.

10 days will be allowed the attorneys for filing briefs in this case.

Nola Leonard Graham, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 8th day of March, 1906, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this the 11th day of March, 1906.

Notary Public.

CERTIFIED COPY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Millie White, et al., as Cherokee Freedmen, consolidating the applications of:

Millie White, et al.,	Cherokee Freedmen R 317
Annie Thomas,	Cherokee Freedmen R 63
Jim M. White, et al.,	Cherokee Freedmen R 320
Harry White,	Cherokee Freedmen R 321
Yancy Vinson et al.,	Cherokee Freedmen D 1006.

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Millie White for herself and minor child, Viola White, by Willie Thomas for his wife, Annie Thomas; by Jim M. White for himself and minor children, Samantha, Birdie, and Rita White, and for his wife, Sarah White, by intermarriage; by Harry White for himself; and by Yancy Vinson for himself and minor children, Elijah, Tilda, Orra, Colwest and Pink Vinson. Subsequent thereto an affidavit showing the birth, on January 17, 1902, of Essie Vinson, child of Yancy Vinson, was filed herewith and made a part of the record herein. Application was originally made for the enrollment of the said Annie Thomas as a citizen of the Cherokee Nation by intermarriage, but as any rights said applicant might possess by virtue of her marriage to a Cherokee freedman have been heretofore disposed of, only her rights as a Cherokee freedman will be considered in this decision.

The evidence in this case shows that one Charlotte Johnson, deceased, was the mother of the applicants, Millie White and Yancy Vinson; and that the said Millie White was born prior to the commencement of, and the said Yancy Vinson was born during, the rebellion, but after ample opportunity afforded, it is not

established by satisfactory evidence that either the said Charlotte Johnson, deceased, nor the applicant, Willie White, was the slave of a Cherokee citizen at the commencement of the rebellion.

The evidence in this case further shows that during said rebellion said applicants, Willie White and Fancy Vinson, together with their said mother, Charlotte Johnson, deceased, lived in the state of Alabama, and that, after the close of the rebellion, neither the said applicants nor their said mother removed to the Cherokee nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Mose Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee nation.

The evidence further shows that the applicants, Willie White, Annie Thomas, Jim H. White and Harry White, are children of the applicant, Willie White, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Elijah, Tilda, Orra, Colvest, Pink and Essie Vinson, are children of the applicant, Fancy Vinson, were born since 1866, and it is not established that they possess any rights to enrollment other than as descendants of their said father; and that the applicants, Samantha, Birdie and Etta White, are children of the applicant, Jim H. White, were born since 1866, and possess no rights to enrollment other than as descendants of their said father. The applicant, Sarah White, neither possesses nor claims rights to enrollment as a Cherokee freedman other than such as she may obtain by virtue of her marriage to the applicant, Jim H. White. None of the applicants herein can be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Willie White, Viola White, Annie Thomas, Jim H. White, Samantha White, Birdie White, Etta White, Harry White, Fancy Vinson, Elijah Vinson, Tilda Vinson, Orra Vinson, Colvest Vinson, Pink Vinson and Essie Vinson, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that, following the ruling of the Department in the case of Samuel Falcome (I.T.D. 3343-1177C-04), Sarah White is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and that her application for enrollment as such, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION OF THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Muskogee, Indian Territory,

APR 24 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, I. T.

In re application for enrollment as Cherokee Freedmen of

Willie White, et al.,....	Cherokee Freedmen		R-217
Jim H. White, et al..,	"	"	R-218
Hattie White, et al..,	"	"	R-181
Tandy Vinson, et al	"	"	

MOTION FOR REHEARING AND FOR PERMISSION TO

INTRODUCE ADDITIONAL TESTIMONY.

Comes now the applicants herein and moves that the Commission re-open this cause and permit the introduction of further testimony, and for grounds thereof state and allege:

-I-

That by agreement between the Clerk of the Commission in charge of Cherokee Freedmen Department, whose name is to the applicants at present unknown, that further and additional testimony might be introduced in this cause at any time after January 30th, 1905. On January 31st, 1905, petitioners allege that they appeared in Muskogee with their witnesses ready to introduce testimony material to their cause, at which time they were informed that a decision had already been rendered in the above cause, and in support of this part of their motion they file herewith the affidavits of their attorneys, Tom W. Neal and John London, affidavits marked exhibit "A" and "B", respectively.

-II-

Applicants further state that a great injustive has been done them by the failure upon the part of the Commission

to the Five Civilized Tribes to hear and receive their testimony, so forecast, in this behalf, that they can prove by Green Scott, of Van Buren, Ark., that Willie White, the principal applicant herein, together with Tenny Thomas, returned and took up their residence in the Cherokee Nation, Indian Territory, in the fall of 1866, and that they have since resided there except when temporarily away on business.

That they can prove by Sam White, of Van Buren, Ark., that he was acquainted with Willie White and her mother when Willie White was an infant child, and will testify that Willie White and her mother, Millie Johnson, were slaves of Annie Johnson, who was a Cherokee Indian by blood and was the wife of Ben Johnson, an intermarried Cherokee Citizen; that a short time prior to the war of rebellion the mother of Millie White, whose name was Millie Johnson, Millie White being of the same given name as her mother, was hired by Mrs. Annie Johnson, then a resident of the Cherokee Nation, and an Indian by blood, to a man named Curd Vinson who lived in the State of Alabama, and that Millie Johnson and her infant daughter, Millie White, the principal applicant, were taken by him to his plantation in Alabama, where they were at the outbreak of the war. That the said Sam White will further testify as to his knowledge in this behalf that he was a minister of the gospel, and being intimately acquainted with the slaves of said Johnson, was sent for at the time of the departure to Alabama of Millie Johnson and her daughter, Millie White, the principal applicant herein, and was told by Annie Johnson, and her husband, Ben Johnson, and by Curd Vinson, all the parties being present, that Millie Johnson and her daughter were simply being hired to Curd Vinson, and would return in a short time. Further, that he was informed at the outbreak of the war that the Johnsons were going South with their negroes as soon as Millie Johnson and her children returned to the Nation, but that they waited until it be-

Come therefore to hold slaves in the district where they lived, and went South before Willie White and her mother returned in 1866 to the Cherokee Nation. That when they returned Willie Johnson Set. in her absence, given birth to another child who is Yancy Vinson. Witness will testify that he has been intimately connected with these parties ever since, and knows the truth of the facts about which he testifies by virtue of his close connection with all the parties involved.

Your applicants would have been able to prove by Isom Johnson that he was a slave of Annie Johnson the same as Willie Johnson, mother of this petitioner, and will testify to exactly the same facts as Sam White, except that he was not in the Cherokee Nation when Millie White Johnson and her children, Millie White and Yancy Vinson, returned to the Cherokee Nation, having previous to that time been taken South by his mistress. Isom Johnson will further testify that the removal of Annie Johnson south with her slaves was delayed several months waiting for the return of the slave, Millie, and her children, she having received notice that the slaves had been started from Alabama home at the beginning of the war.

He will testify further that on his return to the Cherokee Nation in 1866 that Millie Johnson, now dead, and her children, Millie White, the principal applicant herein, together with Yancy Vinson, another child of Millie Johnson , were residents of the Cherokee Nation, and that Millie White and all the other children of the said Millie Johnson have since made their home in the Cherokee Nation, and resided there continuously except when absend on business. That he, by virtue of his position as slave of Annie Johnson, and his intimate acquaintance with all the parties, and personal connection with the facts about which he testifies, knows the above facts of his own knowledge.

In support of this part of the motion petitioners

herewith except the affidavit of Green Jones, marked exhibit "F", the affidavit of Sam White, marked exhibit "G", and the affidavit of Iman Johnson, marked exhibit "H".

WHEREFORE, said petitioners pray that this cause be tempered, and that they be allowed to introduce testimony of the said witnesses, and such other testimony as may be presented by them relative to the facts of this cause, so that the affidavits hereinbefore attached, and made part of this petition, be made a part of the record in this cause, and be accepted as evidence therein, and will ever pray.

Neal Landon
Attys for Applicants

We, Millie White and Nancy Hinson, on our oath states that the matters and facts set forth in the above and foregoing petition are true and correct as we verily believe.

witness.
H. L. Rogers
Houston W. Ark

Millie her X mark White
Nancy her X mark Hinson

Subscribed and sworn to before me on this the 4th of Feb, 1905.

H. L. Rogers
Notary public.

My commission expires on the 2nd day of Sept, 1908

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, I. T.

In re application for enrollment as Cherokee Freedmen of

Willie White, et al.....	Cherokee	Freedmen	D-317
Jim W. White, et al.....	"	"	D-316
Merrie White, et al.....	"	"	D-321
Tammy Vinson, et al.....	"	"	

AFFIDAVIT OF TOM W. NEAL IN SUPPORT OF PARAGRAPH ONE OF THE ABOVE MOTION TO RE-OPEN.

EXHIBIT "A":

Comes Tom W. Neal, and on his oath states that he is a member of the firm of Neal & London, attorneys for petitioners herein, that on December 28th, 1904, he, together with his partner, John London, was in the office of the Commission to the Five Civilized Tribes, and in the Department set apart to the hearing of the Cherokee Freedmen causes, that the business of the firm there was to arrange a time for the taking of testimony in this and other causes; that the time agreed upon and set by the clerk in charge of that department, whose name is not to this affiant known, the name having slipped his memory, that testimony should be introduced in the above cause on presentation after January 30th, 1905; that depending upon said understanding and agreement no witnesses were notified by the firm of Neal & London to appear before the Commission at Muskogee until the 31st day of January, 1905, at which time a number of the witnesses were sent, and others were notified to follow on the 1st day of February, 1905.

Tom W. Neal

Subscribed and sworn to before me on this the 11th day of February, 1905.

W. B. Stone
Notary public.

My Commission expires on the 27 day of May, 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, I. T.

In re application for enrollment as Cherokee Freedmen of

Willie White, et al.....	Cherokee	Freedmen	D-919
Jim H. White, et al.....	"	"	D-920
Harrie White, et al.....	"	"	D-921
Yancy Vinson, et al.....	"	"	

AFFIDAVIT OF JOHN LONDON IN SUPPORT OF PARAGRAPH ONE OF THE ABOVE MOTION TO REOPEN.

EXHIBIT "B":

Comes now John London, and on his oath states that he is an member of the firm of Neal & London, attorneys for petitioners herein, that on December 28th, 1904, he, together with his partner, Tom W. Neal, was in the office of the Commission to the Five Civilized Tribes, and in the Department set apart to the hearings of the Cherokee Freedmen causes; that the business of the firm there was to arrange a time for the taking of testimony in this and other causes; that the time agreed upon and set by the clerk in charge of that department, whose name is not to this affiant known, his name having slipped his memory, that testimony should be introduced in the above cause on presentation after January 30th, 1905; that depending upon said understanding and agreement no witnesses were notified by the firm of Neal & London to appear before the Commission at Muskogee until the 31st day of January, 1905, at which time a number of the witnesses were sent, and others were notified to follow on the 1st day of February, 1905.

John London.

Subscribed and sworn to before me on this the 4th day of Feby, 1905.

H B Nash

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, I. T.

In re application for enrollment as Cherokee Freedmen of

Millie White, et al.....	Cherokee	Freedmen	R-317
Jim H. White, et al.....	"	"	R-320
Mattie White, et al.....	"	"	R-321
Yancy Vinson, et al.....	"	"	R-321

AFFIDAVIT IN SUPPORT OF MOTION TO RE-OPEN CAUSE.

EXHIBIT "C":

Comes now Green Bean, and on his oath states that he is 69 years of age, and a resident of Van Buren, Arkansas.; that for many years he has resided in the Southern and Eastern part of the Cherokee nation and in the City of Van Buren, Ark.. that in the early fall of 1864 he met Millie Johnson in Fort Gibson, Indian Territory, at which place he then resided; that at the time he ~~xx~~ saw her she had come in with some people from Kansas and was looking for her former mistress, Annie Johnson, learning at Ft. Gibson that her mistress had gone South with the other slaves that fall.

Affiant further says that he has been intimately acquainted with the applicants m Millie White and Yancy Vinson since that time, and was well acquainted with their mother, Millie Johnson; that they all have had their homes in the Cherokee Nation since that time up to the present; that he ~~xxx~~ is no relation to the applicants herein, and is in no way interested in their cause.

Affiant further states that he was at Hennepin [illegible], on January 21st, 1908, to testify in behalf of these applicants, and would have testified the facts set out in this affidavit.

William A. Menard
McCutchenville
[illegible]

[illegible]

Subscribed and sworn to before me on this the [illegible] day of [illegible], 1908.

[illegible]
Notary Public.

My commission expires on the [illegible] day of [illegible], 1908.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, I. T.

In re application for enrollment as Cherokee Freedmen of

Millie White, et al.,....	Cherokee	Freedmen	R-519
Jim M. White, et al.,.....	"	"	R-520
Barrie White, et al.,.....	"	"	R-521
Yancy Vinson, et al.,.....	"	"	

AFFIDAVIT IN SUPPORT OF MOTION TO RE-OPEN CAUSE.

EXHIBIT "D":-

Comes now Sam White, and on his oath states that he is 77 years of age, and a resident of the City of Van Buren, State of Arkansas; that he is a Minister of the Gospel, and has been since many years before the war of rebellion; that he was well acquainted with the slaves of Annie Johnson, who was a Cherokee Indian by blood, and the wife of Ben Johnson who was an intermarried citizen of the Cherokee Nation; that prior to the war he was a minister and preached to the slaves in the Cherokee Nation in the neighborhood where the Johnsons lived; that some time before the outbreak of the rebellion Millie Johnson, the mother of the ~~applicant~~ principal applicant herein, Millie White, was hired by her mistress, Annie Johnson, to a man by the name of Curd Vinson who lived in Alabama, and was by him taken from the Cherokee Nation to the State of Alabama; that he is familiar with these facts because at the time of Millie Johnson's departure for Alabama he was present and told by Annie Johnson and her husband, Ben Johnson, in the presence of Curd Vinson, that Millie Johnson and her child would return to the Cherokee Nation in a short time as they were simply being employed by Vinson, and was not being sold.

That at the witness of the complaint, when all the Cherokee applicants were preparing to go south with their slaves, documents signed, after they had made preparations to leave, for several months for Willie Johnson and her mother, Willie White, continued herein, on return, they having been informed that she had been stolen from Alabama home, but she did not return before the Johnsons went south with their slaves.

Affiant further says that he saw the applicant herein, Willie White, with her mother, Willie Johnson, and a brother who had been born after leaving the Territory, who is now Tommy Tiger, in the fall of 1864 at Fort Gibson, Indian Territory. That he was well acquainted with Willie Johnson after that time until her death, and that he has known the applicant herein, Willie White, from her infancy, and has known Tommy Tiger, her brother, since he was a very small boy, and knows that since 1864 they have continuously had their home in the Cherokee Nation, in which Nation they still reside; that he is not a party of interest in this cause, but is acquainted with the facts therein set out by virtue of his position as minister, and his intimate association with all the parties since several years before the war; that he is not and has never been an applicant for citizenship in the Cherokee Nation, and testifies to the above and foregoing facts of his own knowledge.

Affiant further states that he was prepared to go to Muskogee on the evening of January 31, 1905, when he received notice from the attorneys for these applicants that he would not be allowed to testify if present, and that he need not go. Had I been ~~present~~ allowed to testify I would have testified to the facts set out in the above and foregoing affidavit, as the same are true.

Samuel White

Subscribed and sworn to before me on this the 4th day of February, 1905.

M. B. Frier
Notary public.

My commission expires on the 27 day of May, 1905.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, I. T.

In re application for enrollment as Cherokee Freedmen of

Millie White, et al.....	Cherokee Freedmen	R-317
Jim M. White, et al.....	" "	R-320
Harrie White, et al.....	" "	R-321
Yancy Vinson, et al.....	" "	

AFFIDAVIT IN SUPPORT OF MOTION TO RE-OPEN CAUSE.

EXHIBIT "E".

Comes now Isom Johnson, and on his oath states that he is 77 years of age; that he was a slave of Annie Johnson, a Cherokee Indian by blood, and as such was well acquainted with Millie Johnson, the mother of Millie White and Yancy Vinson; that he has known Millie White all of her life, she being born on the plantation in the Cherokee Nation where he was owned, and knows that she belonged to Annie Johnson, a Cherokee Citizen by blood; He remembers when Millie White and her mother Millie Johnson left the Cherokee Nation with Curd Vinson, and knows that they were not sold to Vinson, but were hired to him by their mistress, Annie Johnson, and her husband, Ben Johnson; that when the war of rebellion begun her mistress received notice that Millie Johnson, the mother of these petitioners, and her children had been started by Vinson back to their mistress in the Cherokee Nation, and after everything was ready to take all the rest of us slaves South, my master and mistress waited some time for Millie to arrive before they took the rest of us away, but they did not return before we left, and I do not know when they returned to the Cherokee Nation,

but when I returned in 1886 I found Willie Johnson and her children had come some time before. I have no interest in the outcome of this case, and testify to all the facts set out in this affidavit of my own personal knowledge, having been a slave of the same master and mistress, and intimately associated with all the parties, and I have known these applicants, Willie White and Tenny Vinson all of her life, and Tenny Vinson since he was a small boy in 1886, when I returned from the South, and found them in the Cherokee Nation where they have since made their home.

Affiant further states that he was prepared to go to Muskogee on the evening of January 31st, 1905, when he received notice from the attorneys for these applicants that I need not come as I would not be allowed to testify in person. Had I been allowed to testify I would have testified to the facts above set out in the above and foregoing affidavit, as the same are true.

Witness
H. L. Rogers
Houston West

Tom his Johnson
mark

Subscribed and sworn to before me on this the 4th day of Feb, 1905.

H. L. Rogers
Notary public.

~~Subscribed and sworn to before me on this the xxxxx day of xxxxx~~
My commission expires on the 2nd day of Sept, 1908.

HONORABLE COMMISSIONER OF INDIAN AFFAIRS,

WASHINGTON, D. C.

In the matter of the application for enrollment of Millie White, et al., consolidating the applications of

Millie White	Cherokee	Freedman	R-317
Jim H. White	"	"	R-320
Harry White	"	"	R-321
Annie Thomas	"	"	R- 63
Yancy Vinson.....	"	"	R-1008

BILL OF EXCEPTIONS TO THE FINDINGS OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

o----------o

Comes now your petitioners herein by their attorneys, Neal & Lenden, and except to the findings of the Commission to the Five Civilized Tribes in the above entitled cause;

-I-

Because of the admission of incompetent testimony.

-II-

Because they erred in the finding of the facts in that they found that the petitioners herein did not return to the Cherokee Nation prior to the 11th day of February, 1867.

-III-

Because they found, contrary to the facts, that petitioners, Millie White and Yancy Vinson, did not belong to a Cherokee Indian at the commencement of the war of rebellion.

-IV-

They erred in finding that the petitioners are not en-

titled to enrollment because they did not reside in the Cherokee Nation, Indian Territory, at the commencement of the war of rebellion, although they belonged to Cherokee Indians by blood, but were hired out by said Cherokee Indians and taken to the State of Alabama, and were there when war was declared, although they were the property of Cherokee Indians residing in the Cherokee Nation ;

The premises considered, your petitioners pray that the decision of the Commission to the Five Civilized Tribes be reversed, and that they be directed to enroll petitioners, as the facts will warrant, and that you give Thirty days from date hereof for the attorneys to file brief and affidavits in support of their contentions.

Respectfully,

Attorneys for petitioners.

Muskogee Indian Territory, [illegible] 1898:

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in [illegible]

[illegible]

[illegible]
Attorney for Applicant.

FILED
JAN 5 1902

Name Willie White

Name of connection

CHEROKEE FREEDMEN. Muskogee, I.T.

Date January 22, 1907

Examined George L. Dick

Examiner Legal

~~Name Willie White~~ ~~Not~~

Citizen name

Citizenship

Roll Page No. District

Parents

Father Lord Johnson

Mother Charlotte Johnson d.

Citizenship

Citizenship

1 Name of wife Willie White Age 48

Citizen's name

Citizenship

Roll Page No. District

Parents

Father

Mother

Citizenship

Citizenship

Names of Children Father Lynch Case - d. wd.

1 Annie Viola White Roll Page No. Dist. age 14

2. Year Page No. Dist.

3 Year Page No. Dist.

4. Year Page No. Dist.

5 Year Page No. Dist.

6. Year Page No. Dist.

7 Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12 Year Page No. Dist.

Application made by Mo-1 Stenographer Arthur Cronmyer

Lynch Case

Mo Card

— Not on any roll —

C.F.R. 31 COPY.
CHEROKEE FREEDMAN

IN RE
Application for Enrollment of
INFANT CHILD

VIOLA WHITE
as a citizen of

CHEROKEE Nation

Application Aug 3 1904 190

T. M. Needles Commissioner

F I L E D:

Aug 3 1904

Commission to Five Tribes.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ON THE APPLICATION FOR ENROLLMENT as a citizen of the Nation,

of Viola White (Give name of child) born on the 2 day of May, 1897

Being Freedman

Name of Father Gib White a citizen of the Cherokee Nation,

Name of Mother Millie White a citizen of the Cherokee Nation,

Post Office Bunge, Ind. Ter.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Millie White, on oath state that I am fifty years of age and a citizen by Freedman of the Cherokee Nation, that I am the lawful wife of Gib White who is a citizen, by freedman of the Cherokee Nation, that a female (Male or Female) child was born to me on 2 day of May, 1897, that said child has been named Viola White, and is now living.

Millie her X mark White

WITNESSES TO MARK:

(Must be Two Witnesses) { R.F. Campbell
H. H. Richardson

Subscribed and sworn to before me this 30 day of July, 1904.

My Commission expires March 10 1907

(S E A L)

H. H. Richardson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE. Deceased

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Gib White, a Fifty, on oath state that I was present when attended on Mrs. Millie White, wife of Gib White on the 2 day of May, 1897; that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named Viola White

Gib White

WITNESSES TO MARK:

(Must be Two Witnesses) {

Subscribed and sworn to before me this 30 day of July, 1904.

(SEAL)

My commission expires March 10, 1907

H. H. Richardson
Notary Public.

[illegible] Indian Territory, [illegible] 19[illegible]

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in the case of [illegible]

[illegible] Number Enrollment [illegible] Number Freedmen R-217.

Wm H London
Attorney for Applicant.

Cherokee Freedmen

R-819.

Muskogee, Indian Territory, July 6, 1904.

Willie White,

Bunger, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor child, Viola White, as Cherokee freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony tending to show whether or not you were a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not you returned to the Nation within the time provided in the treaty of 1866, and your residence since that time. It is also desired that you supply the Commission with an affidavit showing the birth of your child Viola. This can be attended to however when you appear to give the testimony above mentioned.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and give testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

Enc. 1 B. A.

Cherokee Freedmen

R-217.

Muskogee, Indian Territory, July 6, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Millie White for the enrollment of herself and minor child, Viola White, as Cherokee freedmen, No. R-217, (old No. Memo.10), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the applicant was a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not she returned to the Nation within the time provided in the treaty of 1866. The applicant has therefore this day been directed to appear before the Commission at its offices at Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 18, 1904.

Hastings, Dell & Davenport,

Attorneys for the Cherokee nation,

Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony in Cherokee Freedmen R 317, Willie White, et al.; Cherokee Freedmen R 320, Jim H. White, et al.; Cherokee Freedmen R 996, Josie Whitmire; Cherokee Freedmen D 261, Rachel Martin, et al.; and Cherokee Freedmen R 331, Annie Dell, et al.

Respectfully,

Commissioner in Charge.

Chairman

Encl. V-1

Tahlequah Bureau

Muskogee, Indian Territory, October 22, 1896.

Neal A. Gordon,

Attorneys for Willie White et al.

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of October 17, stating that you have been employed to represent Willie White et al., applicants for enrollment as Cherokee freedmen, and asking to be furnished with a copy of the record in said case.

In reply there is herewith inclosed a copy of the testimony referred to, together with a blank form of receipt, which you are requested to sign and return to the Commission.

Respectfully,

(Chm.) Tams Bixby.

Chairman

Encl. B-31

Cherokee Freedmen
Willie, et al.

Muskogee, Indian Territory, December 13, 1902.

Neal & London,

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of December 10, asking to be advised as to the status of the application for the enrollment of Willie White, et al., as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in the matter of the application for the enrollment of the parties mentioned in your letter, as Cherokee freedmen. When a decision has been prepared the parties concerned will be furnished with a copy.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

[illegible]

[illegible]

Washington, [illegible] Territory, December [illegible], 1[illegible].

Boal & Loudon,

Attorneys for Willie White et al.,

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of December 21, 1904, in reply to the letter to you refusing to furnish you with a copy of the testimony in the matter of the application for the enrollment of Willie White et al., as Cherokee Freedmen, because it had theretofore furnished a copy of said testimony to the applicant's former attorney. You state that it is your understanding that counsel for applicants are entitled to be furnished with a copy of the record in each case.

In reply you are advised that for the reason stated in the Commission's former letter to you it must again refuse to furnish you with the copies requested. The fact that applicants change attorneys frequently renders it impossible for the Commission to furnish a copy of the record in each instance. If you desire to have some one make copies of the testimony in these cases, you may have access to the Commission's records for that purpose.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY

Cherokee Freedmen

Willie, et al.

Muskogee, Indian Territory, February 10, 1905.

Neal & London,

Attorneys for Willie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of February 7, transmitting motion to introduce further testimony in the matter of the applications for the enrollment of Willie White, et al., Jim H. White, et al., Harry White and Nancy Vinson, et al., as Cherokee freedmen.

In reply you are advised that the applicants will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 6, 1905, and introduce further testimony in the matter of said applications. You are further advised that the representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting the rights to enrollment of the said applicants.

Respectfully,

Tams Dixby.

Chairman.

Cherokee Freedmen

Willie, et al.

Muskogee, Indian Territory, February 10, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that upon motion of Neal & London, Fort Smith, Arkansas, the applications for the enrollment of Willie White, et al., Jim N. White, et al., Harry White and Nancy Vinson, et al., as Cherokee freedmen, will be taken up for further hearing by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 6, 1905.

On said date you may, if you desire, appear before the Commission when an opportunity will be given you to introduce any additional testimony affecting said applications which you may think proper or necessary.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

Enclosed the same

W. J.

Muskogee, Indian Territory, April 24, 1908.

Willie White,

Sango, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting, among others, the application for the enrollment of yourself and your minor child, Viola White, as Cherokee freedmen. There has heretofore been furnished your attorneys, Veal & Longmire, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

Incl. 8-68
Register.

Muskogee Enrolling
Merit, et al.

Muskogee, Indian Territory, April 24, 1908.

Neal & London,
Attorneys for Willie White, et al.,
Fort Smith, Arkansas.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, have this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby:
Chairman.

Incl. 6-63
Register

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
B-848, et al.

Muskogee, Indian Territory, April 24, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. B-68

Chairman.

Cherokee Freedmen
D-113, et al.

Muskogee, Indian Territory, April 24, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Willie White, et al., including the Commission's decision dated April 24, 1908, rejecting the applications for the enrollment of Willie, Viola, Jim H., Samantha, Birdie, Etta and Harry White, Nancy, Elijah, Tilda, Orra, Colvest, Pink and Essie Vinson and Annie Thomas as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Incl. 3-65

Through the

Commissioner of Indian Affairs.

Refer in reply to
the following:
Land-Enrl-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, May 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 24, 1906, transmitting the record in the application for enrollment as Cherokee Freedmen by Millie White for herself and her minor child, Viola White; by Willie Thomas for his wife, Annie Thomas; by Jim H. White for himself and his minor children, Samantha, Birdie and Etta White, and for his wife Sarah White, by intermarriage; by Harry White for himself; and by Yancy Vinson for himself and his minor children, Elijah, Tilda, Orra, Colwest, Pink and Essie Vinson.

April 24, 1906, the Commission decided adversely to all the applicants.

The record shows that Charlotte Johnson, deceased, was the mother of the applicants, Millie White and Yancy Vinson; that Millie White was born prior to the beginning of, and Yancy Vinson was born during, the war of the rebellion, but after ample opportunity it has not been established that the said Charlotte Johnson, deceased, not the applicants, Millie White

and Yancy Vinson were slaves of a Cherokee citizen at the beginning or during the war but that they lived in the state of Alabama during that period and that they did not remove to the Cherokee Nation on or before February 11, 1867.

The record further shows that the applicants, Annie Thompson, Viola, Jim H., and Harry White are children of Willie White, born since the beginning of the war and possess no rights to enrollment other than as descendants of their mother; that the applicants, Elijah, Tilda, Orra, Welwest, Fink and Essie Vinson are children of Yancy Vinson born since 1880, and it is not established that they possess any rights to enrollment other than as descendants of their father; that the applicants Samantha, Birdie and Etta White are children of Jim H. White born since 1880, and possess no rights to enrollment other than as descendants of their father. Sarah White neither possesses nor claims rights to enrollment as a Cherokee Freedman other than by marriage to Jim H. White.

None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

W

W E T .

Refer to reply to
the following
Land 26716-1908.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, May 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office letter of May 9, 1908 (Land 26716-1908), there is enclosed a communication from Messrs. Neal and Lemon, attorneys at law, Fort Smith, Arkansas, transmitting a bill of exceptions with proof of service in the matter of the application for enrollment as Cherokee Freedmen by Willie Smith et als.

The record was forwarded to the Department May 9, 1908.

Very Respectfully,

C. F. Larrabee,

Acting Commissioner.

MCM

W

C O P Y .

J.F.
EKE

DEPARTMENT OF THE INTERIOR.

D. T. No. 4[illegible]-04.
I.T.D.[illegible]-1905
[illegible]-

Washington, September 27, 1905

I.R.R.

Commissioner to the Five Civilized Tribes,

Sir:

April 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case involving the applications for the enrollment of Millie White, Viola White, Jim M. White, Samantha White, Birdie White, Etta and Harry White, Yancy Vinson, Elijah Vinson, Tilda Vinson, Ovra Vinson, Colwest Vinson, Pink Vinson and Rosie Vinson and Annie Thomas as Cherokee Freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, including the Commission's decision of the same date, which was adverse to all the applicants.

Reporting May 9, 1905, the Indian Office recommended that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen

E-S.V.

Muskogee, Indian Territory, October 8, 1906.

Willie White,

Ponca, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting, among others, your application for the enrollment of yourself and minor child, Viola White, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 27, 1906.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

B-65, et al.

Muskogee, Indian Territory, October 6, 1908.

Neal & London,

Attorneys for Millie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1908.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. B-65

Commissioner.

Cherokee Freedmen

R-217, et al.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 6, 1908.

Bell, Mastings & Davenport,

Attorneys for The Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Millie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1908.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-66

Muskogee, Indian Territory, January 31, 1907

Millie White,

Bengo, Indian Territory.

Dear Madam:

This office is in receipt of your letter of January 26, asking that you be furnished with a certified copy of the record of proceedings had in the consolidated Cherokee Freedmen case of Millie White, et al.

In reply you are advised that your attorneys, Neal & Landon, of Fort Smith, Arkansas, have heretofore been furnished with a complete copy of the record of proceedings had in said consolidated case.

Respectfully,

L M B

Commissioner

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

FR 317

Bell, Hastings & Davenport,

Muskogee, Indian Territory.

Char. Fr. R-318

Trans. from Char. Fr. Memo 11

Char. Fr. R-318

Rejected, Com.

Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 20, 1902.

In the matter of the application of Tennessee Peevy for the enrollment of herself and one child as Cherokee Freedman, being sworn and examined she testified as follows:

BY COMMISSION:

Q What is your name? A Tennessee Peevy.
Q How old are you? A 48.
Q What is your post-office address? A Chandler, Oklahoma.
Q You want to apply for enrollment as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for any one besides yourself? A My sister.
Q How old is your sister? A I don't know exactly, she is 16 months older than I am.
Q She must apply for herself, have you got any children? A Yes sir, I have got three.
Q How old is the youngest one? A He will be 21 in March.
Q Your children will have to apply for themselves? A They will.
Q Yes. Is that child 21 last March or this March? A This March.
Q What is its name? A George Peevy.
Q Is George living? A Yes sir.
Q Living at home with you? A Yes sir.
Q Is he married? A No sir.
Q All the other children are over 21 are they? A Yes sir.
Q What is the name of your father? A Sam Catherine.
Q What was your mother's name? A Louisa.
Q Your father and mother living? A Both dead.
Q Have you ever been recognized by the tribal authorities as a Cherokee Freedman? A Mr. Broadenax said I was; I don't know whether I was or not.
Q Did you ever draw anything from the Cherokee authorities? A Never did, only just paid out a whole lot.
Q Did you ever live here? A Never did.
Q Did you ever apply to this Commission? A I thought I did.
Q Who made application for you? A My sister made the last application three years ago.
Q What was George's father's name? A George Peevy.
Q Was he a stateman? A Yes sir.

All the tribal rolls of the Cherokee Nation in the possession of the Commission have been examined, and neither the name of the applicant nor her son George are found thereon.

Records of the Cherokee Nation examined and fail to disclose that either the applicant or her son was ever admitted to citizenship in the Cherokee Nation by the tribal authorities.

Records of the Commission examined and fail to disclose that the applicant or her son were admitted to citizenship in the Cherokee Nation by the Commission or the United States Court on appeal, under the provisions of the act of Congress approved June 10, 1896.

BY COMMISSION: Tennessee Peevy applies for the enrollment of herself and her son George Peevy as Cherokee Freedmen. They are not identified on any of the tribal rolls of the Cherokee Nation in the possession of the Commission, neither does it appear that they were ever admitted to citizenship by the tribal authorities or the Commission to the Five Civilized Tribes or the United States Court on appeal. This application appears to come within the provisions of the

Tennessee Peevy et al. 5.

temporary injunction recently granted by Judge Joseph Gill of the United States Court for the Northern District of the Indian Territory, which forbids this Commission to receive, consider or make any record of applications of this character. It appears from the testimony in this case that this application comes within the provisions of the act of Congress approved May 31, 1902, which act provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Consequently the application of Tennessee Peevy for the enrollment of herself and son George Peevy will be reported to the Commission for rejection under the provisions of the said act above quoted. Copies of the record of the proceedings had in this application will be forwarded to the Secretary of the Interior for his review and consideration. The applicant will be notified at a later date of the action of the Department as regards her application.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographis notes thereof.

M. D. Green.

Subscribed and sworn to before me this January 30, 1902.

C. R. Breckinridge.

Commissioner.

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above and foregoing copy from the original proceedings, and that the same is a true and correct copy as he verily believes.

Geo. H. Lessley

Subscribed and sworn to before me this January 16, 1905.

W. S. Hawkins

Notary Public.

Cherokee Freedmen 2 D.S.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Tennessee Peevy, et al., as Cherokee freedman.

It appears that on July 8, 1904, the applicant, Tennessee Peevy and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 26, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant, Tennessee Peevy, appears in person.
Cherokee Nation by its representatives, L. H. Bell and James S. Davenport.

TENNESSEE PEEVY, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Tennessee Peevy.
Q How old are you? A Going on 49.
Q What is your postoffice address? A Chandler, Oklahoma.
Q Do you claim to be a Cherokee freedman? A Yes, sir.
Q You made application for enrollment as a Cherokee freedman before this Commission on January 28, 1902? A I made application, but I did for blood; I found out that I am more freedmen; I couldn't prove so much by blood.
Q You applied in 1902 for yourself and one child, George Peevy? as Cherokee freedmen? A Yes, sir.
Q Is George living now? A Yes, sir.
Q Living with you? A Yes, sir.
Q Were you the slave of a Cherokee citizen before the Civil war? A Yes, sir.
Q Who did you belong to? A A man by the name of AlbertChandler.
Q Where did he live? A Where I remember I belonged to him was at Cane Hill fight in McIntosh's army.
Q Where was that? A The place was called Cane Hill, the Pearidge fight.
Q What state was that in? A Arkansas; we were in the Army at that time; that is how I could tell who we belonged to first.
Q What was the name of your mother? A Louisa.
Q What? A Chandler.
Q What was the name of your father? A Crow.
Q Did both your father and mother belong to this man C handler? A No, sir, father belonged to a man by the name of Crow, Cherokee.
Q Who did your mother belong to? A Chandler
Q The first you remember-----A Was Chandler.
Q That was during the war? A Yes, sir.
Q In Arkansas? A Yes, sir.
Q You have no recollection of having lived in the Cherokee Nation before the war? A Yes, sir, I lived in the Cherokee Nation before the war, down there with the Army.
Q I mean before the war began, do you remember of living in the Cherokee Nation? A My memory is short before the war began; I was only three or four years old, but they said it was in the Nation.
Q Is this man Chandler living now? A I don't know.
Q Was he a Cherokee by blood? A Yes, sir.

Q You were in Arkansas with Chandler and still was during the war?
A My mother died two weeks after that battle. I guess she died from fright. I don't know, yes, sir, I was with them commencing of the war.
Q Where did you go after your mother's death? A I was taken when the general that he was in the army with, was named Bathman, he got billet, and stolen from someone else and taken to Waxie Hatchie, Texas.
Q Then when you left Waxie hatchie, Texas, where did you go?
A Back to the Nation.
Q When did you first come back to the Cherokee nation after the war? A Just as soon as it was peace so as we could get back we got back, I don't know what year it was.
Q Who did you come back with? A My sister and a woman named Miss Gray.
Q What is your sister's name? A Sarah Champ.
Q Your sister hasn't applied to the Commission tobe enrolleithas she? A She has somewhere another, years ago.
Q Has your sister applied to this Commission to be enrolled as a Cherokee freedman? A I think she has, she didn't apply with me, because we didn't live on the same place, she lives in Guthrie.
Q Guthrie, Oklahoma? A Yes, sir.
Q Was there anybody else in the party that came back with you?
A Yes, sir my aunt, but she didn't belong to Mr. Chandler.
Q What was her name? A Martha Gray.
Q Were there any men along in that party? A Mrs. Gray's son.
Q What is his name? A Jimmie Gray; he is dead.
Q Where did you come to, what point in the Cherokee Nation? A Port Gibson and then went out in the country.
Q You don't remember what year that was? A No, sir, I don't.
Q Do you remember how long after the war was over? A Just a little while, as soon as people got so they could travel by land.
Q Whose house did you come to at Port Gibson? A I forget the name now, I will remember it directly; Frye's.
Q What frye? A I don't know his first name.
Q Colored man or Cherokee? A Cherokee.
Q How long did you stay there? A We stayed there quite a while. She went on somewhere else.
Q Who went on? A This white woman and her son, and we stayed there quite a while and we went there on the line, up near Missouri, and stayed there a while and my sister come back and left me on the line; she come back to Muskogee and lived with a woman named Goody-koontz; everybody told us to get on the roll, and we had no brother, and after we got on-the-roll grown we paid first one and then another to get us on the roll and the last man we paid about thirty dollars, his name was Broadenaxe, and he told us we were already on the roll.
Q How long have you been living in Chandler, Oklahoma? A I have been living in Chandler, Oklahoma, I have been here twice in the two years.
Q How long has it been since you lived in the Cherokee Nation?
A It has been about three years since I lived in the Cherokee Nation regular; I haven't got any regular home; I go where I can make my living best.
Q Are you married? A Yes, sir.
Q What is the name of your husband? A George Peevy.
Q Have you got any children? A This boy, George, yes, sir, I have got three, but when I was here before they said I couldn't put any on but this one.
Q They are of age? A Yes, sir, now.
Q Were you ever enrolled by any of the Cherokee authorities, did you ever draw any money? A I never drawed any money, but I thought I was on the rolls years ago, by this Broadenaxe, I reckon, before this Commission was in session.
Q What roll did you think you are on? A I thought my name was on the Cherokee. The reason I was so sure, I was trying for blood, he says, "I taken that from Council," and that we pay him $10 each

trip expense, and he says "your lot fell to Cherokee," and then he says "give me the more expense" each one of us, and I did that, "and when I come back you will move down, and" he says "it is all right, it is on the roll," and he never did return any more.
Q How long did you live in the Cherokee Nation after you came back here with Mrs. Gray and the other party? A I have been in and out several times, I don't know how long each time was. When I found I couldn't make my living in the Cherokee Nation I would go out for work, and I went to Guthrie for work.
Q Have you got any property in the Cherokee Nation? A Don't own a thing.
Q Did you ever own a thing in the Cherokee Nation? A No, sir.
Q Do you own a home in Oklahoma? A No, sir.
Q How do you live out there? A I rent and make my living as I can, I have been always kind of depending on the roll if I die.
Q What does your husband do for a living? A He works on buildings.
Q Does he claim to be a citizen? A No, sir, he never has, he didn't think it was any use; we just take it as others tells us.
Q You never were recognized by the Cherokees in any manner whatever as a citizen? A I always depended on someone else to recognize me; I didn't know I would just come in anyway; this last time I thought I would see about it myself.
Q What are the names of your witnesses? A Mary Carson and Mr. Lewis, and Mr. McIntosh said he would be my witnessm, but I guess he got to drinking.
Q Where did they first know you? A Fort Gibson.
Q When? A I don't know, it has been eight or nine years ago, maybe longer.
Q They never knew you before that time? A I don't know; maybe so; knew me when I was young, I don't know exactly.

By Mr. Bell:
Q What was this man's name that youbelonged to Albert Chandler.
Q Where did he live? A On Cane Hill, Arkansas, I don't know whether he knew anything there or not; he was in McIntosh's army, and we moved with it when it moved.
Q That general that got killed at the battle of Elkhorn? A Yes, sir, you knew him, did you?
Q Whereabouts at Cane Hill did you say you lived? A I just know we lived at Cane Hill, kindly camped there.
Q Was his wife and children there? A I remember one of the boys, two boys, George and Will.
Q They were camped there and he belonged to that Texas regiment? A I don't know the regiment; the general was named McIntosh and got killed.
Q You don't know whether it was a Texas or an Arkansas regiment? A No, sir.
Q You don't know whether it was an Indian regiment do you? A No, sir.
Q You say his family was camped there? A Yes, sir.
Q Where did they go from? A Cherokee Nation.
Q Where did you live in the Cherokee Nation? A Up about Fort Gibson, in the country; never lived in the town.
Q After McIntosh was killed what became of Chandler? A Haven't seen him since we were stole.
Q He never come after you? A No, sir.
Q What become of you after you left Cane Hill? A The man Nowlin taken us to Texas, to a town named Waxie Hatchie.
Q How long did you stay there? A I guess we stayed there three years.
Q Who was in your crowd, you say you were stolen? A My sister and one other, aunt.
Q They kept you all together all the time, did they? A No, sir, they got my aunt separate some how another.
Q Were you stole down there? A No, sir.

Q What school you down there? A We was Chandler's and everyone that knowed this man thought he had better right.
Q I understand you said you never met Chandler? A That is what they said, the man we were with was Bowlin.
Q That is the man that stole you? A Yes, sir.
Q Did he take you to Fannie Hatchie? A Yes, sir.
Q Did he live there? A Yes, sir.
Q Did your folks know this man Chandler that lived there? A Yes, sir.
Q What time did you leave Fannie Hatchie to come up here? A I stayed down there about three years, I guess, I didn't know the dates then, I don't know what time, I got back up on the line.
Q How came you to come here? A Back with that woman Miss Gardray.
Q How old were you when you started from there? A I guess I was about six or seven.
Q You don't recollect much about living in the Cherokee Nation before the war, do you? A I recollect living there, not so much as a bigger person would.
Q You lived over here by Fort Gibson, did you? A Yes, sir.
Q Why didn't you get those people that lived close to Fort Gibson to come here and testify for you? A These witnesses I have got will testify to that.
Q You stopped with a man by the name of Frye when you come from Texas? A Yes, sir.
Q Where did he live at? A Out from Fort Gibson.
Q Which way, east, west, north or south? A North.
Q You have never been in Fort Gibson? A Yes, sir.
Q Plenty of times? A Yes, sir.
Q North of Fort Gibson is which way? A This way it seems to me.
Q How far did you live from Four Mile branch? A It was 10 miles from Fort Gibson to his house.
Q To where you lived? A Yes, sir.
Q You said you stopped near Gibson? A I call that near.
Q You say it was north from there? A Yes, sir.
Q Which side of Grand river? A On the north side.
Q Was it on the side Fort Gibson is on, or on the side opposite from there? A I think on the side opposite; it was called ten miles back to the Fort from Frye's.
Q Was it in the prairie or in the timber? A It was little prairie; his house was up on a hill like prairie up at the house and down was woods.
Q How long did you stay there? A Quite a while, and when I got big enough to work I worked out.
Q You stayed some years, did you? A No, sir, I didn't.
Q You said you stayed until you got big enough to work? A Yes, sir, I don't know how many years.
Q Did you ever come to Fort Gibson? A Yes, sir.
Q Who are you acquainted with in Fort Gibson? A I don't know now.
Q You don't know anybody there? A No, sir.
Q Did you ever? A Yes, sir.
Q Who? A A woman named Hannah Buchanan, and some people that had a girl named Sarah Six and one named Chlora, colored people.
Q Didn't you know no white people? A Yes, sir, I knowed some Porters.
Q Any others? A No, sir, I don't remember any that I could swear to.
Q Were the soldiers there at the time you went, or had they left?
A There was some few there.
Q How many? A They were holding freedmen bureau's about in places.
A man was over there by the name of Ballard, a yankee.
Q In going from Fort Gibson to where you lived, at Frye's, did you cross the Arkansas or Grand river? A I don't know the river; there was one we crossed.

Q A big river or a small one? A When it was up, a big one, when it was down, not so big.
Q What kind of a house did Pryo live in? A A double log house, with a stack chimney.
Q Was he a white man or freedman? A White man or Indian.
Q What was his wife? A I think they were both white, his wife was named Betty, I don't know what his name was.

By the Commission:
Q You say you came to Fort Gibson shortly after the war was over and stayed for several years? A Yes, sir.
Q Did you come before or after so many colored people were taken down with the cholera? A After that time.
Q You have no recollection of the cholera? A No, sir.
Q You were not there when they were all down with the cholera, after the war? A No, sir, if I had been, I was out in the country 10 miles and would not have known anything about it.
Q Was the railroad there in Fort Gibson when you came there? A No, sir.
Q Was it built in there while you were still living there? A No, sir.; I have been there since, I think I left there before the railroad come in; I know I did.

By Mr. Bell:
Q You think there was a few soldiers there when you went? A Yes, sir, they had a freedmen bureau there; I think there were a few soldiers there time anybody made a contract they had to go before this man and he had on blue and his name was Gallard.
Q You said you lived with Goody-koonts in this place? A I said I was living in the nation and my sister come to Muskogee and lived with Mrs. Goodykoonts.
Q Who was this Mrs. Gray you come up here with? A A white ~~man~~ woman.
Q How did you come? A In a wagon.
Q In your own wagon or in hers? A In hers.
Q Were you acquainted with her before she left there? A She come for us.
Q Were from? A She lived in Missouri; she knowed my grandmother and she come after us.
Q Didn't you go on to Missouri with her? A No, sir, we stopped; they rebelled and run off from Missouri and my grandmother was stole there; she come after us to bring--my aunt belonged to her once in a time, and after they run them down there we got together and she come after us, and she also come after some they loaned thisman.
Q What man? A Peyton Nowlin.
Q The man that stole you? A Yes, sir, and she seen us when she came after this money; the amount of the money was $11,000, I heard.
Q And you lived right here at Gibson before the war? A Yes, sir, I don't know exactly where I lived before the war, but during the war I was there.
Q How come you to move out and go in the camp? A I didn't have my say so; Mr. Chandler went in the army.
Q The Army didn't stay at Cane Hill all the time? A No, sir, only while it listed.
Q How long? A I don't know how long.
Q What become of your mistress? A I don't know, sir, after that we got scattered and I don't know what become of her.

By the Commission:
Q You came to Fort Gibson after the war, lived there several years and then went up on the line of Missouri and lived there how long? A Several years, backwards and forth; then I come down to Vinita and worked and finally in '93 we come to Oklahoma and stayed there, and I have been over here three times.

Q Just took on tribe? A Yes, sir, I have been here three times to see something about getting on the roll, and I stayed in Ontario a while, we have been in Oklahoma 12 or 13 years.
Q You have been living in Oklahoma 12 or 13 years? A Yes, sir.

By Mr. Bell:
Q Where did that Mrs. Gray live, in Missouri? A She moved from where she did live, she moved up to Galloway County, away up in North Missouri.

MARY GARDEN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mary Garden.
Q How old are you? A 44.
Q What is your postoffice? A Muskogee, here.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know Tennessee Peevy? A Yes, sir, I have been knowing her at least 28 years ago.
Q You didn't know her before the war? A I was a little girl then, time of '66, over at Gibson, she used to live over there.
Q Did you know her in 1866? A Yes, sir, I knew herthen.
Q She was living at Fort Gibson then? A Yes, sir, she lived there, we all lived there at Fort Gibson in '66; she lived there until times got so hard she couldn't make nothing and she moved from there and went down to Webbers Falls and stayed there one year and come back and lived in Gibson again time the soldiers were there, until the small-pox got raving in Fort Gibson and moved from there and went to where she is living now; she lived in Gibson fifteen years.
Q Where is she living now? A I can't tell you the place she calls it.
Q Is it in the Cherokee Nation? A She lived close to--I can't think of that little place; she lived up west, but I can't know the place.
Q Who did she live with in Fort Gibson? A She was working there for she cooked there.
Q In 1866, she cooked there? A Yes, sir, for Col. Lugenbiel for one; he is dead now.
Q About how old was this applicant then? A I couldn't tell you.
Q Was she grown? A Yes, sir, but didn't have no children.
Q And was cooking there at the fort in 1866? A Yes, sir, in '66, we used to go together all the time.
Q Have you applied to this Commission for enrollment? A Yes, sir, I don't,--got my business already fixed, I think.

By Mr. Bell:
Q You say this young woman was grown when she come in 1866? A Yes, sir.
Q Where did she come from? A Bred and born in the Cherokee Nation.
Q Did she go out time of the war? A No, sir, not as I know of.
Q Just raised around here? A Yes, sir, right in Fort Gibson.
Q Who did she used to belong to? A I can't tell you.
Q Did she ever live with a man there about Fort Gibson by the name of Frye? A Colored man?
Q White man or a colored man either? A I tell you where she used to live; she used to stay there with Uncle Irving Vann; she used to stop there with aunt Cindy.
Q That was while she was working around Fort Gibson? A Yes, sir.
Q You don't know of her living there with Frye? A No, sir.
Q Di you ever know a white man by that name living around there?
A No, sir, I don't believe I do; all I am telling is just what I know.

Q You are certain that this is the same woman that you once saw at Fort Gibson? A Yes, sir.
Q She was raised there? A Yes, sir.
Q Never went out during the war? A No, sir, not as I know of.

By the Commission:
Q Did you and she live right in the town of Fort Gibson? for several years? A Yes, sir, she cooked for Col. Lugenbiel.
Q For several years after that? A Yes, sir.
Q Do you remember of her living on Four Mile Branch? A Yes, sir, when she wasn't working in town she would go to Four Mile Branch and stay with some of her people.
Q Which direction from town? A North.
Q Who did she stay with out there? A She used to stay out there all the time; she used to stay there with some of her kin people and her father, I have seen him; he used to come up there and see her, but I can't think of his name, but I was well acquainted with her when she lived in Fort Gibson.

By Mr. Bell:
Q Did you know her mother? A Yes, sir, I am acquainted with her mother a little.
Q What was her mother's name? A I can't think of her mother's name.

By Mr. Davenport:
Q Where is this Tennessee Peevy living now? A Up here close to Guthrie, Oklahoma.
Q She never did live in the Cherokee Nation, did she? A Yes, sir, she used to live there.
Q Did she ever live in the Cherokee Nation to your knowledge?
A Yes, sir.
Q When she states in her examination that she never did live here, is she correct? A Well, is she says she never did live in the Cherokee Nation, I know when she lived in Gibson.
Q How long has it been since you saw her in the Cherokee Nation?
A I saw her year before last; she come to my house.
Q Where did you ever know of her having a home in the Cherokee Nation, and with whom was she living? A We used to live there.
Q Give me a place where Tennessee Peevy had a home in the Cherokee Nation and with whom was she living? A She used to cook for Lugenbiel and she never had no home.
Q When was it she cooked for Lugenbiel? A In '66.
Q Don't you know that the records-----A I don't know nothing about records.
Q Don't you know that Captain Lugenbiel was not at the Fort at Fort Gibson after the spring of 1865? A Col. Lugenbiel was there at the time the colored soldiers were there in '66.
Q You are an applicant for citizenship, are you not? A I have already got my citizenship in the Cherokee Nation.
Q On the 1880 roll, are you? A Yes, sir.
Q You are not on a doubtful card? A I don't know if I am or not; I drawed my money and got my number.
Q What kind of a ticket? A My little ticket what files on land.
Q Have you had any notification from the Commission that you have been enrolled as a citizen of the Nation? A I know I got the papers.
Q When were you first spoken to by the applicant to testify in this case? A The last I was spoken was over at Gibson.
Q How long ago? A Three years.
Q You wasn't here yesterday? A No, sir, because they didn't notify.
Q The applicant sent for you yesterday? A I was sick yesterday. Who went after me?
A I am asking you if they did? A Nobody did.

Q The applicant is living near Guthrie, Oklahoma? A That is what she said.
Q She was living there January 28, 1903, wasn't she? A I can't tell you.
Q You haven't seen the applicant in several years until she came to make this application, had you? A I seen her at the time Hastings and them were enrolling.
Q How long ago? A I don't know.
Q Was that the Kern-Clifton or the Commission enrollment? A I am talking about Turner.
Q She wasn't living in the Nation at that time, was she? A No, sir.
Q She hasn't been in the Cherokee Nation since the making of the Kern-Clifton roll to your knowledge? A I don't know anything about that, I tell you.

CHARLEY LEWIS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Charley Lewis.
Q How old are you? A 70, I guess, close to it.
Q What is your postoffice address? A Vian.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicant in this case, Tennessee Peevy? A I have seen her, yes, sir.
Q Do you know her? A I know her tolerably well.
Q When did you first get acquainted with her? A It has been sometime along in '80 or '85.
Q That is the first time you ever knew her at all, is it? A Yes, sir.
Q Where was she living then? A There in Gibson at a picknic.
Q In 1880 or 1885? A Yes, sir.
Q Was she living there? A Yes, sir, I reckon so.
Q You don't know? A I think she was.
Q Did you just see her that one time in Fort Gibson? A I have seen her several times, different places.
Q When did you next see her? A It was in '95 or '4.
Q Where was she then? A At Gibson.
Q Living at Fort Gibson then? A Yes, sir, she was at the registering then.
Q What registering? A Time the freedmen registered.
Q That was in 1894 or '5? A Yes, sir, somewhere along there; time of the freedmen register.
Q You don't know where she was living? A No, sir.
Q And you don't know where she was living in 1880 or 1885? A No, sir, all I know she was in Gibson.
Q When did you see her another time? A I believe that payment is the last time I seen her until to-day.
Q You don't know where she lives now? A No, sir.
Q And you don't know of your own knowledge whether she ever lived in the Cherokee Nation? A I have seen her there.
Q Do you know that she ever had a home in the Cherokee Nation?
A No, sir.

By Mr. Davenport:
Q Where do you live? A Vian.
Q You never knew anything about this woman before the war or anything about who she belonged to, if anyone? A No, sir.
Q And the first time you ever saw her was 1880 or 1885? A Yes, sir.
Q And you saw her at a picnic? A Yes, sir, just talking with her.
Q And you don't know where she was living? A No, sir.

Q. Did you ever hear her say at the Intercollegiate meeting?
A. No, sir.
Q. Do you know where she is living now? A. No, sir.
Q. Did you ever know of her having a house and keeping house in the Fairchild Building from the time you got acquainted with her until the present time? A. No, sir.

E. M. Tuma, being first duly sworn, states that as stenographer to the Commission in the Pike Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 23rd day of August, 1904.

Notary Public.

FILED
AUG 23 1904
COMMISSION TO FIVE TRIBES.

C. W. H.

Cherokee Freedmen R 114

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tennessee Peevy and George Peevy, for enrollment as Cherokee Freedmen.

-1-

D E C I S I O N.

The record herein shows that Tennessee Peevy appeared before the Commission at Muskogee, Indian Territory on January 26, 1902, and made application for the enrollment of herself and minor child, George Peevy, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, July 26, 1904.

The evidence in this case fails to show that Tennessee Peevy was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation, at the commencement of the Rebellion. Neither does said proof show that she was living in the Cherokee Nation during the time necessary for the acquisition of Freedmen rights under article nine of the treaty of 1866.

It appears from the testimony of the applicant herself that her residence in the Cherokee Nation has always been of a transitory nature, and that she has never established a home, or owned any property therein.

Neither of the applicants herein can be identified on any of the rolls of the Cherokee Nation.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Rosee Hood, (I.T.D. 6066-1904), the application for the enrollment of Tennessee Perry and George Perry, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner

Commissioner.

Muskogee, Indian Territory,
this JAN 16 1905

COMMISSION

FILED
FEB 3 1902

ACTING CHAIRMAN

CHEROKEE FREEDMEN Muskogee, I.T.

Date January 28, 1907

From Chairman Okla. Tribe

Number Oklahoma City

1. Name

Husband's name

Tribe Page No. Number

Parents

Father

Mother

Name of wife Tennessee Perry No. 45

Husband's name

Tribe Page No. District

Parents

Father Jason Catherine d

Mother Louisa d

Name of children

2 George Perry } father Charles Perry

Year Page No. Dist. 20

4.

5.

6.

7.

8.

9.

10.

11.

12

Application made by No 1 Stenographer M. D. Green

— not on any roll —

Denied

Not a Case

No Card.

Cherokee Freedman
B 101

Muskogee, Indian Territory, January 16, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Tennessee Posey, et al., as Cherokee Freedman, including the Commission's decision dated January 16, 1906, rejecting said application.

Respectfully,

Tams Bixby
Chairman

Encl. B 101.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen
E 101

Muskogee, Indian Territory, January 16, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Tennessee Peevy, et al., as Cherokee Freedmen, including the Commission's decision dated January 16, 1906, rejecting said application.

Respectfully,

Tams Bixby.
Chairman

Encl. E 101.

Through the
Commissioner of Indian Affairs.

COPY

Commission to the
B 93.

Muskogee, Indian Territory, January 16, 1909.

Tennessee Peevy,

Chandler, Oklahoma Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your son, George Peevy, as Cherokee freedman, together with a copy of the Commission's decision dated January 16, 1909, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. B 93

Register.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
B-94

Muskogee, Indian Territory, January 16, 1906

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1906, rejecting the application for the enrollment of Tennessee Peevy and George Peevy, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman

Encl. B 94

[S] Dat :

[illegible] IN THE [illegible],

Refer to reply to the following [illegible]. [illegible]

[illegible]

[illegible] INDIAN AFFAIRS.

WASHINGTON, January 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir,

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1906, transmitting the record of the application for enrollment as Cherokee Freedman by Tennessee Peavy for herself and her minor child, George Peavy.

January 16, 1906, the Commission decided adversely to the applicants.

The record fails to show that the principal applicant was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation, at the beginning of the war of the rebellion, or that she has had a residence therein since. Neither of the applicants are identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M:
W.

S. D.
YEE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 16, 1905.

P. H. CHADWICK,
U. S. Commissioner,
I. T. D.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 16, 1905, you transmitted the record in the matter of the application of Tennessee Peavy for the enrollment of herself and her minor child, George Peavy, as Cherokee freedmen, including your decision of the same date, rejecting said application.

Reporting in the matter January 26, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary.

1 inclosure.

Cherokee Nation
D-C-L.

Muskogee, Indian Territory, February 24, 1908.

Tennessee Perry,

Chandler, Oklahoma.

Dear Madam:

You are hereby advised that the Commission's decision, dated January 16, 1908, rejecting the application for the enrollment of yourself, and your minor child, George Perry, as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 16, 1908.

Respectfully,

Tams Bixby
Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
S-214.

Muskogee, Indian Territory, February 24, 1906.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated January 16, 1906, rejecting the application for the enrollment of Tennessee and George Peevy as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 16, 1906.

Respectfully,

Thos Riley
Chairman.

Cherokee Freedmen
B-214.

Muskogee, Indian Territory, February 24, 1908.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 16, 1908, rejecting the application for the enrollment of Tennessee and George Peavy as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 16, 1908.

Respectfully,

Tams Bixby.
Chairman.

Trans from Chas. Fr. Memo re

Chas. Fr. R. 319

Cherokee Freedmen Rejected, Dawes

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 29, 1908

In the matter of the application of Lissie Johnson for the enrollment of herself and two children as Cherokee Freedmen, being sworn and examined and testified as follows

BY COMMISSIONER:

Q What is your full name? A Lissie Johnson.
Q How old are you? A 38 years old.
Q What is your post-office address? A Fort Gibson.
Q Are you living in the Cherokee Nation? A No, at Wagoner.
Q What is your post-office? A Wagoner I mean, it is Wagoner, excuse me.
Q You apply for enrollment of yourself as a Cherokee Freedman?
A Yes sir.
Q You apply for anyone besides yourself? A None but the children.
Q How old is your youngest child? A 13 years old.
Q How many children have you that are living at home with you and under age and unmarried? A Two.
Q What is the name of the oldest one? A Arthur Rogers.
Q How old is he? A 15.
Q What is the name of the next child? A Willie Rogers.
Q That a boy or a girl? A Both boys.
Q How old is Willie? A He is 14, going on 15.
Q Are these children all living? A Yes sir.
Q Who is their father? A Morris Rogers,- Isaac Rogers is the father of one of them and the other one is William Morris.
Q Who is Arthur's father? A Isaac Rogers.
Q Who is Willie's father? A William Morris.
Q Was Willie's name Willie Rogers or Willie Morris? A Willie Morris.
Q Are you married? A No sir.
Q What was the name of your last husband? A Aaron Johnson.
Q Is he living or dead? A Dead.
Q What is the name of your father? A Dr. Main was my father in Fort Smith when he was living.
Q What is the name of your mother? A Ann.
Q Do you claim your right to enrollment through your mother or your father? A My mother.
Q Did you ever draw any money? A I drawed for one child.
Q Did you draw for yourself? A No sir.
Q Where were you born? A On the line, between Fort Smith and the Cherokee Nation.
Q On which side of the line? A Between the Choctaw and the Cherokee
Q Were you bornin the Choctaw Nation? A Cherokee Nation, no sir, I wauldn't be a Cherokee citizen if I was bornin the Choctaw Nation.
Q How long did you live there? A I will tell you the truth, I couldn't tell; I have been there ever since I could remember, might near it.
Q Where were you the first you can remember? A I was in Fort Smith.
Q How long did you stay there? A I don't know, my people is all dead.
Q About how many years was it? A I couldn't say and tell the truth.
Q Where did you go when you left Fort Smith? A Sequoyah.
Q In the Cherokee Nation? A Yes sir.
Q How long did you stay there? A I stayed there so long all my children was born there, nearly.
Q Then where did you go to? A Come to Fort Gibson, I stayed there a long time; I just couldn't tell.

Q What is your mother's last name? A Some called her Ann Park and some called her Ann Rogers.
Q What did you call her? A I didn't call her anything, because I didn't remember her at all.
Q You don't know whether name was? A But only just what the people that raised me told me, they are all dead.
Q Did you draw any money for these children at the last payment? A No sir.
Q You have never drawn money for yourself? A No sir.
Q Nor for Arthur? A No sir.
Q Nor for Willie? A No sir, none but here.
Q These children have never been recognized as citizens? A I don't know sir.
Q Did you ever make application for the enrollment of these children? A My husband did, but he said they couldn't be found; I know we were on the Wallace roll all right.
Q Did you ever apply to this Commission? A No sir.
Q Did you ever apply to the Cherokee Tribal authorities? The Cherokee National Council? A No sir.

All the rolls of the Cherokee Nation in the possession of this Commission have been examined and applicant nor her children aremot identified theron.

The records of the Commission made in accordance with the act of Congress approved June 10, 1896 examined and fail to disclose that either the applicant or her children were admitted to citizenship in the Cherokee Nation by the commission or the United States Court on appeal.

The records of the Cherokee Nation examined and fail to disclose that either the applicant or any of her children were ever admitted to citizenship in the Cherokee Nation by act of the Cherokee National Council or Commissions on Citizenship.

Q Was Isaac Rogers a colored man? A No sir, he was kin to Nelse Lowrey.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you married to him? A Married like all the Cherokee people did I guess.
Q Married by a preacher? A Yes sir.
Q Did you ever have a marriage certificate? A No sir.
Q How long did you live with him? A About five years.
Q Were you married to Will Morris? A Yes sir.
Q Was Isaac Rogers dead when you married Will Morris? A Yes sir.
Q Who married you to Will Morris? A Man at Fort Smith by the name of Satterfield.
Q Who married you to Isaac Rogers? A I don't know, it was a colored preacher.
Q How long has Isaac Rogers been dead? A He died about six months before Arthur was born.
Q Was Will Morris a state man? A No sir.
Q Was he a Cherokee? A Yes sir.
Q Has he ever been recognized as a citizen? A I don't know whether he had or not, I never heard him say; I always heard him say he belonged in the Cherokee Nation.
Q About how old would Isaac be if he were living now? A I declare I couldn't tell you.
Q Older than you? A He was younger than I am.
Q About how much younger? A I couldn't tell you.that, I else ought to know; he was kin to him.

The tribal rolls of the Cherokee Nation in the possession of the Commission examined and neither the name of Isaac Rogers nor Will Morris appear of record thereon.

Q Did Isaac Rogers ever have any children? A Just one born.
Q What was the name? A I don't know now, I forgot, it has been so long since I saw it.
Q Was it a boy or a girl? A Boy.
Q Was she its mother? A Harriet Lumberry
Q Isaac Rogers ever live in Sequoyah District? A Not while I knew him he didn't.
Q How long has he been dead? A I declare I couldn't tell you.
Q He died before Arthur was born didn't he? A Yes sir.

BY COMMISSION: Lizzie Johnson applies for the enrollment of herself and two children, Arthur Rogers and Willie Morris, as Cherokee Freedmen. Neither the applicant nor her children are identified on any of the tribal rolls of the Cherokee Nation in the possession of the Commission; neither does it appear that they were ever admitted to citizenship in the Cherokee Nation by an act of the Cherokee National Council or Commission on Citizenship, or the Commission to the Five Civilized Tribes or the United States court on appeal, under the provisions of the act of Congress approved June 10,1896.

This application appears to come within the provisions of the temporary injunction which was granted by Judge Joseph Hill of the United States Court, Northern District of the Indian Territory, which forbids this Commission to receive, consider or make any record of any applications of this character, consequently the application of Lizzie Johnson for the enrollment of herself and her minor children will be reported to the Commission for rejection under the provisions of the act of Congress approved May 31,1900, which act provides:

> "That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

A copy of the record of the proceedings had in the matter of this application will be forwarded to the Secretary of the Interior for his review and consideration, and the applicant will be notified at a later date of the action of the Department as regards hersaid application.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 30,1902.

C. R. Breckinridge

Commissioner.

FILED
MAR 13 1905
COMMISSION TO FIVE TIMES

Cherokee Freedmen-S-319.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 6, 1905.

In the matter of the application for the enrollment of Lizzie Johnson as a Cherokee Freedman.

On this, March 6, 1905, the applicant appears in person and by attorneys, Blue & Bulger, and asks for a continuance in this case.

The Attorneys for the Cherokee Nation also present, and offer no objection.

The Case is set for March 13, 1905, at 9:00 o'clock, A.M.

Nula Jeanes Branson, being sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 6th. day of March 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Nula Jeanes Branson

Subscribed and sworn to before me this the 11th. day of March, 1905.

Myron H. Lite

Notary Public.

FILED
MAR 23 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen-R-319.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 13, 1905.

In the matter of the application for the enrollment of Lizzie Johnson et al. as Cherokee Freedmen.

On this, the 13th. day of Marcy, 1905, this cause coming on to be heard, the Cherokee Nation appeared by its attorney, James M. Davenport, and the applicants appeared by their attorneys, Blue & Bulger, and in person.

The applicants pray for a continuance in this cause until March 30, 1905.

Continuance granted.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 13th. day of March, 1905, and that the above is a correct record of the proceedings had in said pause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 22nd. day of March, 1905.

Myron Abitz
Notary Public.

FILED
APR - 4 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen No. 118.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 30, 1905.

In the matter of the application for the enrollment of Lizzie Johnson et al. as Cherokee Freedman.

This case was continued to this day, March 30, 1905, by stipulation, and on this day the applicants appear not either in person or by attorney, but Mr. Foreman, an attorney of Muskogee, Indian Territory, represents Blue & Bulger, attorneys for the applicants, and states that the attorneys for the applicants are unable to be present.

The Cherokee Nation represented by its attorneys, Bell, Hastings & Davenport.

The case will be left open until April 6, 1905, with the understanding that Colonel Blue will, at once, notify the attorneys for the Cherokee Nation if he has any testimony which he desires to introduce on that date.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 30th. day of March, 1905, and that the above is a full and complete record of said proceedings had in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 3rd. day of April, 1905.

Myron White
Notary Public.

FILED
APR 12 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen R-219.

TRANSCRIPT OF THE [illegible],
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, April 6, 1905.

In the matter of the application for the enrollment of Lizzie Johnson et al. as Cherokee Freedmen.

The applicants represented by Blue & Bulger.

The Cherokee Nation represented by W. W. Hastings.

The applicants, under date of April 3, 1905, asks for a continuance, but it appears that this case has been set for hearing several times, and that requests have been made for continuance each time on insufficient grounds in law, and that considerable indulgence had been shown the applicants in this matter.

The Cherokee Nation submits the case upon the record, and the case will now be considered closed.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the proceedings had in the above entitled cause on the 6th. day of April, 1905, and that the above is a full and complete record of said proceedings had in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 11th. day of April, 1905.

Myron White,
Notary Public.

Cherokee Freedmen R 316

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lissie Johnson et al., for enrollment as Cherokee Freedmen.

--|--

D E C I S I O N.

The record herein shows that at Muskogee, Indian Territory on January 29, 1902, Lissie Johnson appeared before the Commission and made application for the enrollment of herself and her two minor children, Arthur Rogers and Willie Morris, as Cherokee freedmen. Further proceedings in the matter of said application were had on March 6, March 13, March 30, and April 6, 1905, at Muskogee, Indian Territory.

After ample opportunity having been afforded, the applicants herein have failed to establish by satisfactory evidence that they possess any rights to enrollment as Cherokee freedmen, and they cannot be identified on any of the tribal rolls of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the cases of Eliza Bryant et al.(I.T.D. 844-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al.(I.T.D. 1470-04), Samantha Chambers(I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04) and Moses Ross (I.T.D. 6056-04), the application made for the enrollment of Lissie Johnson, Arthur Rogers and Willie Morris, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman

Commissioner

Muskogee, Indian Territory

MAY 27 1905

C. R. Breckinridge

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 30 1902
ACTING CHAIRMAN

CHEROKEE FREEDMEN

Muskogee I.T.

Date January 29, 1901

Tribe Creek

Number Motion

1. Name

Age

Father's name

Citizenship

Year Page

Parents

Father

Mother

Citizenship

Citizenship

2. Name of child Liggie Johnson age 55

Father's name

Citizenship

Year Page No. District

Parents

Father Phil. Mann Citizenship

Mother Ann Jackson Eagles Citizenship

Name of Children

3. Arthur Rogers Year Page No. Dist. 15

4. Willie Morris Year Page No. Dist. 14

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No 1 Stenographer M. D. Green

— not on any roll —

Cherokee Freedmen

R-319.

Muskogee, Indian Territory, July 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Lizzie Johnson for the enrollment of herself and two minor children, Arthur and William Rogers, as Cherokee freedmen No. R319, (old No. Memo. 12), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the applicant was a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not she returned to the Nation within the time provided in the treaty of 1866. The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Department of the Interior
COMMISSION TO THE FIVE CIVILIZED TRIBES

Enrolled Freedmen
N-[illegible]

Muskogee, Indian Territory, July 6, 1904.

Lissie Johnson,

Wagoner, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children, Arthur and William Rogers, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not you were a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, whether or not you returned to the Cherokee Nation after the war within the time provided in the treaty of 1866, and as to your residence since that time. It is also necessary that you furnish the Commission with affidavits of birth as to your two minor children, Arthur and William Rogers.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 2 B.A.

Department of the Interior
COMMISSIONERS TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen

R-112.

Muskogee, Indian Territory, August 9, 1904.

Lizzie Johnson,

Wagoner, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children, Arthur and William Rogers, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not you were a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, whether or not you returned to the Cherokee Nation after the war within the time provided in the treaty of 1866, and as to your residence since that time.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, September 13, 1904, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen
S-219

Muskogee, Indian Territory, October 13, 1904.

Lissie Johnson,

Tahlequah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee Freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your said application.

Respectfully,

Signed: T. B. Needles,
Commissioner in Charge.

Register.

COPY

Cherokee Freedmen
Bills.

Muskogee, Indian Territory, February 17, 1906.

Rissie Johnson,

Melvin, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your minor children as Cherokee Freedmen, you are advised that, before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced, tending to show whether or not you were a slave or a free colored person residing in the Cherokee Nation at the beginning of the war of the Rebellion; also, further testimony as to your residence since that time.

You are, therefore, hereby directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at 9:00 o'clock, A.M. on Monday, March 6, 1906 and introduce testimony as above indicated.

You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce testimony touching the points above mentioned.

Respectfully,

(SIGNED). Tams Bixby.

Registered. Chairman.

COPY

Cherokee Freedmen-
D-818.

Muskogee, Indian Territory. February 27, 1908.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Lizzie Johnson et al. as Cherokee Freedmen, you are advised that, before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced, tending to show whether or not the said Lizzie Johnson was a slave or a free colored person residing in the Cherokee Nation at the beginning of the war of the Rebellion; also, further testimony as to her residence since that time.

The applicant has, therefore, this day been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at 9:00 o'clock A.M. on Monday, March 6, 1908 and introduce testimony as above indicated.

You are advised that the Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire, touching the points above mentioned.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Cherokee Freedmen

S-98.

Muskogee, Indian Territory, May 27, 1908.

Lizzie Johnson,

Melvin, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of yourself, et al, as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-98
Register

Cherokee Freedmen

S-99.

Muskogee, Indian Territory, May 27, 1908.

Miss A. Seiger,

Attorneys for Lizzie Johnson, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of Lizzie Johnson, et al. as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-99
Register

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen

S-E.S.

Muskogee, Indian Territory, May 27, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of Lizzie Johnson, et al. as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-100

Cherokee Freedmen
S-101.

Muskogee, Indian Territory, May 27, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Lizzie Johnson, et al, as Cherokee freedmen, including the Commission's decision dated May 27, 1908, rejecting said application.

Respectfully,

Tams Bixby,
Chairman.

Incl. S-101

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land,
61897-1906.

June 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 27, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Lizzie Johnson for herself and her two minor children, Arthur Rogers and Willie Morris.

May 27, 1905, the Commission decided adversely to the applicants.

The recordsshows that after ample opportunity the applicants have failed to show by satisfactory evidence that they possess any rights to enrollment as Cherokee Freedmen. None is identified on any tribal roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner:

M.M.M.
W.

W.C.P.
T.B.
L.L.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D. C. 67452-1908;
I.T.D. 6948-1908.
L.R.S.

October 11, 1908.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 27, 1908, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Lizzie Johnson for the enrollment of herself and her two minor children, Arthur Rogers and Willie Morris, as Cherokee freedmen.

Reporting June 3, 1908, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

1 inclosure.

[illegible]

[illegible]

[illegible], [illegible] [illegible], [illegible] 12, 1868.

[illegible],

[illegible],

[illegible]

Dear Sir:

[illegible]

[illegible]

[illegible]

Cherokee Freedmen

R-818.

Muskogee, Indian Territory, October 21, 1908.

Pike & Bulger,

Attorneys for Lizzie Johnson, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of Lizzie Johnson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 12, 1908.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby

Commissioner.

Incl. S-269

[illegible]

[illegible]

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 21, 1902.

Bell, Hastings & Lotsenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1902, rejecting the application for the enrollment of Lizzie Johnson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 14, 1902.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-270

partment of the Interior
Commissioner of the Five Civilized Tribes
MUSKOGEE, IND. TER.

RE

Muskogee, Ind. Ter.

1829

MAGNETIC REGISTERED

WAGO
REGISTERED

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

Returned to Writer.
UNCLAIMED

Elgin Johnson,
Wagoner, Indian Territory.

Cher Fr R. 320

Trans from Cher Fr. Memo 13

See Cher. Fr. R. 319-321

Cher Fr. R. 320

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 20th, 1902.

In the matter of the application of Tenny Vincent for the enrollment of himself and five children as Cherokee freedmen, he being first duly sworn by Commissioner T. B. Sealey, testified as follows on the part of himself:

Q What is your name? A Tenny Vincent.
Q How old are you? A 50
Q What is your post office address? A Tenpe.
Q In what district do you live? A Sequoyah
Q Do you want to make application for enrollment as a Cherokee freedman? A Yes sir.
Q Who else do you make application for besides yourself? A My wife and five children.
Q What is your wife's name? A Lissie
Q How old is she? A 35
Q What are the names of your children? A Elijah.
Q How old? A 18.
Q Next? A Tenna.
Q How old? A 11
Q Next? A Jerm
Q How old? A 8
Q Next? A Polecat.
Q How old? A 6
Q Next? A Pink.
Q How old A 3
Q Are these children all living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a freedman? A No sir.
Q Is your name on any of the rolls? A No sir.
Q Is your wife's name on any of the rolls? A No sir.
Q Did you ever draw money from the Cherokee Nation? A No sir.
Q What is your father's name? A I don't know
Q What is your mother's name? A Charlotte.
Q Is she living? A No sir.
Q How long has she been dead? A Ever since '7.
Q Is your wife's father living? A No sir.
Q Do you know his name? A No sir.
Q What is her mother's name? A I dont know
Q Is she linging? A No sir.
Q Where were you born? A In Alabama
Q Were you a slave? A Yes sir, I guess so.
(By Hastings)
Q Do you claim citizenship through your own right or through your wife? A Through me.
Q You were born in Alabama? A Yes sir.
Q 30 years old? A Yes sir.
Q You were born then in '63? A Yes sir I guess so.
Q Your wife then don't claim citizenship only through you ?A I married her. She was carried out of Flint district and she dont make any claim at all, she dont know her people.
Q Did you make application to the Kern-Clifton Commission five years ago? A I was there but my witnesses didn't come.
Q Did you put in your application there? A No sir.
Q What point were you at before the Commission?
A I was at Salisaw
Q Wasn't Joe Bruner there? A No sir.
Q Wasn't Jerry Vann there? A No sir.
Q Wasn't Chalrey Chambers there? A No sir.
Q Wasn't they all there at Fort Gibson? A No sir, and when I get there you had your twentyfive cases to work out and they left there after that.

Q Then you never got any application in? A No sir.
How old were you when you came to the Cherokee Nation? A I
was little bit of a fellow I guess.
Can you remember about it? A I remember pretty more.
Then you ought to remember about how old you were when you
came here? A About 6 or 7 years old.
Did you come on the train? A No sir, we came first to Mississippi
and then they brought us on way of Tahlequah, my father was buil-
ding two old house.
When did you come here? A In '66 from Kansas.
Was that the first time you ever came here? A Yes sir.
I thought you said you were 6 or 7 years old when you came here?
A Yes sir, when I was from Kansas.
Can you remember anything about coming from Kansas - any of the
landmarks along? A Why? A No sir.
Do you remember who came with you? A My mother.
Who else? A I don't know nobody else.
Did you have any other members of your family there? A At
that time?
Q Yes, any brothers or sisters? A One sister.
What is her name? A Will Johnson, then.
What is her name now? A Sallie.
Did you live in Tequayah? A Yes sir.
Where were you in the Cherokee Nation when you were first old
enough to remember? A Fort Gibson.
When was the first time you ever saw Joe Bruner? A In Kansas
You saw him in Kansas? A Yes,sir, the old lady said he was
there, I don't remember .
When did you next see him in the Cherokee Nation? A In Tequayah
Q How old were you then? A Pretty small chunk of a boy then.
Q 10 or 12 years old? A Yes sir.
When did you first see Jerry Vann? A In Tequayah when I was
a small chunk of a boy.
Q When you were about 10 or 12 years old? A Yes sir.
When did you first see Charley Chambers? A In Fort Gibson.
Q How long had you been there before you saw him? A I saw him
there all the while.
Q When did your mother die? A In '70
Q Where A Choctaw Nation.
Q How long did you live in the Cherokee Nation, in Fort Gibson
after you came there after the war? A We came in '66.
Q How do you know it was '66? A My mother said it was and we
left there in '68; we was hunting her sister and we went to
the Choctaw Nation and she died there and she left me with my
aunt and I run off and came back here.
Q When did you come back here? A In '73
Q Was it after you come back that you saw Joe Bruner and Jerry Vann?
A Yes sir.
Q Did you see Charley Chambers before that? A Yes sir in Fort
Gibson.
Q Where have you been living for the past twenty five years? A
First here and then in the Choctaw Nation.
Q When you come back here in '73 where did you come to? A I was
with Sandy Williams.
Q Where did he live? A. Below old man Tom Smith's
Q Was that in Little River County, Arkansas? A No sir in the Nation
Q What part of the Nation? A Cherokee, near Cherokee, near the
Arkansas line.
Q Who was keeping a store in Cherokee then? A None there at all.

Q How far from Cherokee was it that you lived? A [illegible] North of [illegible]? A [illegible].
Q Was the railroad there then? A Done there.
Q How long did you live there? A I never lived there, just stopped there a while, and then would go to town.
Q To Fort Smith? A Yes sir and then was up here.
Q Where were you married? A I was married down in Arkansas.
Q What place in Arkansas? A Place called Fab-cahee (spelled from the record uttered by witness which was very indistinct)
Q When were you married? A I was married this last time in [illegible]
Q Where was Eliza born? A In the Cherokee Nation.
Q Where was Tilda born? A Same place.
Q Where was Orra born? A Here in Sequoyah district.
Q Where was the next one born? A He was born there.
Q The next one? A He was born there.
Q How long after Orra was born did you come to the Cherokee Nation?
A I was here.
Q I mean before he was born? A 3 or 4 months; I was here and then my wife came.
Q What is your post office? A Range.
Q How long has it been your post office? A For the last 8 or 10 years.
Q And that is all the time that you have lived in this country isn't it? A I have been here before that.
Q When we were at Fort Gibson for the second trip, last month why didn't you put in your application? A My witnesses wasn't there.

(By the Commission)

Q Was your mother a slave? A Yes sir.
Q Who did she belong to? A Ben Johnson, she said.
Q What was her name? A Charlette Johnson
Q Do you know anything about her being taken out of the Cherokee Nation during the war? A No sir.

CHARLEY CHAMBERS being first duly sworn by Commissioner T. B. Needles, testified as follows for the applicant:

Q What is your name? A Charley Chambers
Q How old are you? A 70
Q What is your post office address? A Hudson
Q Do you know the applicant Yancy Vincent? A Yes sir.
Q How long have you known him? A Ever since about '66
Q You first knew him in '66 did you? Yes sir.
Q Where? A Fort Gibson.
Q Did you know his mother? A Yes sir.
Q What was her name? A Charlett
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Ben Johnson.
Q Was he a Cherokee citizen? A Yes sir.
Q When did you first see his mother? A That was where I saw her, in '66 when I came from Fort Smith to Tahlequah, and she was inquiring of me of Ben Johnson, that is all I know about it.
Q Did you know her before the war? A No sir.
Q Just knew her then? A Yes sir.
Q How do you know she was a slave of Ben Johnson then? A She told me she was.
Q Is she living? A I dont know for certain, I dont think so.
Q When did she die? A I dont know.
Q Have you known this applicant ever since '66? A Yes sir, I have seen him often and on in the Cherokee Nation ever since.
Q Do you know his children? A No sir.
X ~~[illegible]~~

(By Hastings)

Q Do you know where his mother died? A No sir.
Q Do you know where this man was married? No sir.
Q Didn't you marry him? A No sir.
Q Wasn't he married in your house? A No sir.
Q Do you know his wife? A No sir.
Q Ever see her? Not to know of.
Q What time of the year was it you saw this fellow first?

Q I saw him with his mother.
Q Any one else with them? A No sir she was going on her way and I was going on my way and met her in the street.
Q That was the first time you ever saw her? A Yes sir.
Q Did she have any other children with her besides this boy?
A If she did I dont know it.
Q Never had them with her? A No sir.
Q How long did you see her about Fort Gibson there? A Some after that.

Q How long after that? A 2 or 3 years.
Q Did you ever see her after that? A No sir, but I saw the boy.
Q You dont know where she died? A No sir.
Q And you come here and swear that you met a stranger for the first time in the street 35 years or more ago and you can remember that this man here is the boy she had with her then? A I remember it and I remember the boy all right.
Q How old was the boy then? A 7 , 8 or 9 years old.
Q Able to get along? A Yes sir
Q What time of the year was that that you saw them? A In the fall
Q In the fall? A Yes sir.
Q Where did you next see the boy? A Next I seed him I seed him there on Four Mile Branch.
Q Who was he living with there? A Just saw a lot of boys there together.
Q When was that? A That was the next year after I seed him with his mother.
Q Was his mother dead then? A I never asked him.
Q He was a good big boy then was he? A Yes sir a good big boy.
Q 9 or 10 years old? A Somewhere there, 8 or 9.
Q You feel positive about that do you? A Yes sir; I know I am positive about that.
Q Where did you next see him? A On here on the Virdigris river.
Q When was that? A That has been 7 or 8 years ago.
Q He wasn't married then was he? A I don't know I didn't ask him.
Q When did you next see him? A I don't know where I next saw him; I dont know as I ever saw him anymore until I saw him here.
Q You only saw him at Fort Gibson, Four Mile Branch, ont the Virdigris river and here? A Yes sir.
Q You never was at his house? A No sir.
Q Dont even know where he lives? A No sir.
Q Never saw him or his mother before the war? A No sir, not that I know of.
(By the Commission)
Q You say you dont know anything about the mother of this applicant being a slave only what she told you? A Yes sir that is all

JOE BRUNER being first duly sworn by Com'r. T. B.Needles testified as follows ~~farther~~ before the Commission in favor of the applicant:
Q What is your name? A Joe Bruner.
Q What is your age? A 65
Q What is your post office address? A Benge.
Q Are you a Cherokee freedman? A I claim to be
Q Do you know Yancy Vincent? A Yes sir.
How lon have you known him? A I knew him in '63.
Q Where? A Fort Scott Kansas.
Q Where did you next see him? A Next I saw him was in ~~XX~~ '74.
Q Where? A In Sequoyah district.
Q Do you know the applicant's mother? A Yes sir.
Q What was her name? A Charlott
Q Was she a slave before the war? A She said she was.
Q Who did she say she belonged to? A Ben Johnson
Q Where did you first see her? A Fort Scott
Q Where the next time? A I never seen her any more , as I know
Q You say the last time you saw him was in '73 or '4? A Yes sir
Q Have you never seen him since? A Oh yes sir.
Q Well how long have you known him continuously? A For the past nine years
Q Do you know where he was born? A I dont think she told me, she said they had come from Corinth, Mississippi.

Q. The first time you ever saw her was in Fort Smith, Gentlemen? A. Yes sir.
Q. Never knew her in the Territory at all? A. No sir
(By Commissioner)
Q. And you have only known him a intimately for the past 7 years
A. Yes sir.
Q. You don't know where he was married? A. No sir.
Q. You don't know where his first two children were born? A. No sir
Q. He has only been living at Bunge for the past nine years? A. Yes sir.

[illegible] year, being duly sworn by Com'r. T. B. [illegible], testified as follows for the applicant:

Q. What is your name? A. Jerry Vann.
Q. What is your age? A. 47
Q. What is your post office address? A. Bunge
Q. Are you a Cherokee freedman? A. Yes sir
Q. Is your name on the authenticated roll of 1880? A. Yes sir
Q. Do you know Yancy Vincent? A. I have known him a great while.
Q. When did you first get acquainted with him? A. In '60
Q. Did you know his mother? A. No sir.
Q. Have you known his ever since 1880? A. Yes sir.
Q. Where has he been living from 1880 up to this time? A. In Illinois district, Cherokee Nation.
(By Testimony)
Q. Who was he married? A. I don't know.
Q. Do you know where his first two children were born? A. No sir.
Q. How long have you known him continuously? A. Since 1860
Q. He has lived there for the past 7 years has he? A. Yes sir
Q. Right close to me.
(By the Commission)
Q. You don't know anything about his mother? A. No sir

MY OPIN'N FOLLOWS: Yancy Vincent applies for enrollment of himself and his five children as named in the testimony, he [illegible] children. His application for his wife. [illegible] and his children cannot be identified on any of the rolls of the Cherokee Nation. He avers that he is the child born on Charlott Johnson and that his mother was a slave belonging to one Tom Johnson, a Cherokee citizen before the war. It makes no satisfactory proof as to the citizenship of his mother and as to his residence reference is made to the testimony herein. The said Yancy Vincent and his five children will be listed as Cherokee freedmen on a doubtful card. It will be necessary for him to make satisfactory proof as to the birth of his five children their names not appearing on any of the rolls.

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Chas. von Weine, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein

(Signed) Chas. von Weine

Subscribed and sworn to before me this the 21st of October 1901.

(Signed) T. B. Needles
Commissioner.

Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 23 day of July, 1904.

Charles H. Stuver
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of Yancy Vicent for the enrollment of himself and children as Cherokee Freedmen.

By the Commission:
Q What is your name? A Yancy Vicent.
Q How old are you? A 22.
Q What is your postoffice address? A Bunger.
Q You have previously made an application to this Commission for the enrollment of yourself and children as Cherokee Freedmen, have you? A Yes, sir.
Q Neither you nor your children are identified on any tribal roll? A No, sir.
Q You have never drawn any money from the Cherokee Nation? A No, sir.

Under the provisions of the temporary injunction recently granted by Judge Joseph Gill, Judge of the United States Court for the Northern District of Indian Territory, this Commission is without authority to receive any further testimony in the matter of the application made by said Yancy Vicent for the enrollment of himself and children for the reason that neither the applicant nor any of his children are identified on any of the tribal rolls of the Cherokee Nation now in the possession of this Commission.

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Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 22nd day of January, 1902.

(Signed) T. B. Needles/
Commissioner.

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of a document on file with the Commission in Cherokee Freedmen D-1088.

Edith L. Morey

Subscribed and sworn to before me this the 22nd day of July 1904.

Charles H. Sawyer
Notary Public.

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Cherokee Freedmen Rejected, Case.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 26,1906.

In the matter of the application of Jim W. White for the enrollment of himself, wife and three children as Cherokee Freedmen; being sworn and examined he testified as follows:

EX EXAMINATION:

Q What is your name? A Jim W. White.
Q How old are you? A I am 24 years old.
Q What is your post-office address? A Dora, Arkansas
Q Are you living in Arkansas? A No sir.
Q What district in the Cherokee Nation are you living in? A Sequoyah.
Q You apply for the enrollment of your self as a Cherokee Freedman? A I just come in as to my mother, she enrolled here sometime ago, and we was mother's children.
Q Do you want to enroll? A Yes sir, Millie White was my mother's name.
Q What is your father's name? A Gib White.
Q Is he living? A Yes sir.
Q Is your father a state man? A No sir.
Q What is he, a Cherokee Freedman? A Yes sir.
Q What is the name of your mother? A Millie White.
Q Is she living? A Yes sir.
Q Is she a Cherokee Freedman? A Yes sir; why now she enrolled here you remember, she enrolled here sometime ago.
Q Well she didn't enroll you, you are too old, you will have to enroll yourself; have you ever drawn any money from the Cherokee Nation? A No sir.
Q Are you on any rolls? A No sir.
Q Have you ever been recognized in any manner as a Cherokee citizen? A No sir.
Q Do you want to apply for any one besides yourself? A I have some children.
Q What is the name of your oldest child? A My oldest child is Samantha White.
Q How old is she? A She is five years old.
Q What is the name of the next one? A Next one is Birdie White.
Q How old is she? A He is three years old.
Q What is the name of the nextone? A Next one is Etta White.
Q How old is she? A She is three years old.
Q Is that all? A Yes, my wife.
Q Yourself and three children? A Yes sir, three children and my wife.
Q Are these children living? A Yes sir.
Q Are they living with you? A Yes sir.
Q Who is the mother of the children? A Sarah White.
Q Do you apply for her? A Yes sir.
Q Is she living? A Yes sir.
Q How old is she? A She is 23 years old.
Q Is she a Cherokee Freedman or a state woman? A She is a state woman.
Q She has never been recognized as a Cherokee citizen? A No sir.

All the rolls of the Cherokee Nation in the possession of the Commission have been examined and neither the applicant, his wife nor any of his children are found of record thereon.

The records of the Commission made in accordance with the provisions of the Act of Congress approved June 10 1896 examined and fail to disclose that the applicant, his wife or anyof his children ever made application to the Commission

(1) the Five Civilized Tribes, or the United States court on appeal from the decision of the Commission, which the petitioner of case not.

Records of the Cherokee Nation examined and fail to disclose that either the applicant, his wife or any of the children were ever admitted to citizenship by the Cherokee National Council or Commission on Citizenship.

IN COMMISSION: Jim H. White applies for the enrollment of himself, his wife, Sarah White and his three children, Pearline, Birdie and Etta White, as Cherokee Freedmen; neither the applicant, his wife nor any of his children are identified on any of the tribal rolls of the Cherokee Nation in the possession of this Commission, neither does it appear that they were ever admitted to citizenship in the Cherokee Nation by act of the Cherokee National Council or commissions on Citizenship, the Commission to the Five Civilized Tribes or the United States court on appeal. This application appears to come within the provisions of the temporary injunction recently granted by the Honorable Joseph Gill, Judge of the United States Court for the Northern District of the Indian Territory, which forbids this Commission to receive, consider or make any record of applications of this character, consequently the application of Jim H. White for the enrollment of himself, his wife and three children as Cherokee Freedmen will be reported to the Commission for rejection under the provisions of the act of Congress approved May 31,1900, which act provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

A copy of the record of the proceedings had in the matter of this application will be forwarded to the Secretary of the Interior for his review and consideration, and the applicant will be notified at a later date of the action of the Department.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 30,1902.

C. R. Breckinridge.

Commissioner.

Cherokee Freedmen D-1064.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 27, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application of Yancy Vinson for the enrollment of himself and others as Cherokee freedmen.

It appears that on the 13th day of April, 1904, the applicant and the attorney for the Cherokee Nation were each duly notified by letter that an opportunity would be given them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 27, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Applicant appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

ANDERSON TATUM, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Anderson Tatum.
Q How old are you? A 69 next december sometime.
Q What is your post office address? A Benge, I.T.
Q What district do you live in? A Sequoyah.
Q Do you claim to be a Cherokee freedman? A No, sir.
Q State man? A Yes, sir.
Q Do you know the applicant here, Yancy Vinson? A Yes, sir.
Q How long have you known him? A I have knowed him 30 odd years.
Q How long have you lived in the Cherokee Nation? A Off and on I have lived in the Cherokee Nation, well, back and forwards, have been through it about 40 some odd years, ever since that Mission was built North up here, I hope build it.
Q Did you know Yancy Vinson's mother? A Yes, sir.
Q When did you first get acquainted with her? A It has been, to the best of my knowledge, 30 some odd years.
Q Did you know her before the Civil War? A No, sir.
Q About how long after the war did you first know her? A About 7 or 8 months, I suppose, would not be positive.
Q You don't know, then, whether or not she was the slave of a Cherokee citizen before the war? A She was said to be.
Q You don't know that of your own knowledge? A No, sir, only what I was told.
Q How long after the war was it when you first saw her? A 6 or 7 months, I guess, I wouldn't be positive.
Q Where was she then? A She was in Alabama when I first saw her.
Q In the state of Alabama? A Yes, sir.
Q Was this boy born at that time? A Yes, sir.
Q Was he living there with her? A Yes, there was two.
Q In the State of Alabama? A Yes, sir, this boy and his sister.
Q How long did they continue to remain there from the time you first saw them after the war? A In Alabama, it was about six or seven months after the war?, maybe longer, they lived there. I wouldn't be positive, along in the first part of '67 or '66, I wouldn't be positive.

Q You don't know where they went? A Yes, sir.
Q Where? A They, went, I was with them to Corinth, Mississippi, and the next time I saw them was right down here at Fort Gibson.
Q Do you know about how long after the war it was when you saw them at Fort Gibson? A It was about two or three months after the six or seven months, when I saw them again.
Q When you first saw them in Alabama, about seven months after the war, and you next saw them in the Cherokee Nation about three months from that time? A I saw them about three months after they got here, it was six or seven months, maybe longer, when I saw them in Alabama, and they was here about three months when I saw them.
Q How long after the war was it when you first saw them here at Fort Gibson? A It must have been about eight or nine months, maybe longer, I couldn't be positive, I couldn't testify exactly the time.
Q Do you know whether or not this applicant's mother had ever lived here in the Cherokee Nation before that time? A No, sir, I don't, only what I have been told.
Q Did you know Yancy Vinson's father? A No, sir, don't know him.
Q Have you known Yancy Vinson continuously since the time you saw him in Fort Gibson about eight or nine months after the war, as you say? A I have saw him off and on ever since.
Q Do you know where he was living all the time? A No, sir, not altogether, he went to Fort Scott, I believe, and then back, so they said. I wasn't with him, and from that on I have known him for about 12, 13 or 14 years.
Q You don't know then of your own knowledge, of his whereabouts except for the last 13 or 14 years? A Not all the time.
Q When you would see him would he be living in the Cherokee Nation? A He he said.
Q You don't know, yourself? A No, sir, sometimes I would see him in Fort ~~Smith~~ Smith, and sometimes in the Cherokee Nation, but that was said he be his home in the Cherokee Nation.
Q How long did his mother live, if you know, after ~~xx~~ you saw her at Fort Gibson the first time? A I don't know.
Q Don't know where she lived? A No, sir.
Q Don't you know whether she continued to live in the Cherokee Nation until her death? A No, sir.
Q Is this applicant, Yancy Vinson, married? A Yes, sir.
Q What is the name of his wife? A His wife is named Elizabeth or Lizzie, Lizzie, I believe.
Q Do you know his family, how many children he has? A Yes, sir, I could count them up to you? A Sometimes can't count them all; got so many. Elijah is one, can't half the time think of their names; Matilda is another; Tootsy, I reckon that the nickname; that's what I call her, is another.
Q Is that the third one? A I call it Tootsy; no, sir, I believe the third one is Carl. I believe Tootsy is the one they call Orie.
Q Then you can't testify of your own knowledge as to the residence of Yancy Vinson, except for the last 13 or 14 years? A Yes, sir, that's it.

By Mr. Hastings:
Q You are a freedman, but not a Cherokee freedman? A Yes, sir.
Q You knew George W. Vann, down in Sequoyah district, do you, also a colored man? A Yes, sir.

Q You testified for applicants of his in a number of cases, haven't you? A I don't know that I did; I don't remember it; not a one, I guess, of his.
Q Well, people that he got to apply down in there, you testified for a number of them, didn't you? A I don't know whether they got him or not, I have testified for people down there, but I didn't know he got them.
Q You knew he was interested in them didn't you? A I believe he was a witness.
Q What were you doing in Alabama? A I was born there the other side of Alabama, and I steamboated and travelled a good deal.
Q What town in Alabama did you know this boy's mother? A Tuscumbia.
Q How big a town is Tuscumbia? A I don't know; a pretty good little sized place.
Q How much population?A I don't know; wasn't there long; can't tell.
Q Was it one river? A I believe there is a little river right close there, but I don't know that it is on a river.
Q What is the name of the river right close there?A I don't know.
Q Is Tuscumbia in the Northern or southern part of Alabama? A In the southern part, I think. My home would be close to Huntsville, there; was acquainted there more than at Tuscumbia.
Q How long did you stay at Tuscumbia? A I never stayed there but about, I disremember now exactly how long.
Q You are not willing to be pinned down to dates or anything definite are you? A Can't do that that, unless I knew exactly the facts, and -----
Q You are particular about your oath, aren't you? A I don't want to say anything only what's right.
Q What year is this? A This is 19--- let's see, 1904, I believe.
Q You are certain? A No, sir, but I think that's right.
Q Where was this woman living in Tuscumbia when you first saw her? A When I first saw her she had been living with a man by the name of Vinsen.
Q Had you known Vinsen before that ? A No, sir, only what I had been told.
Q You never knew him yourself?A No, sir, I did not know him.
Q Did you say you came with him over to Mississippi? A Yes, sir, to Corinth.
Q Is Corinth on a river or what? A Corinth , Mississippi, is right close to the Mississippi river not very far.
Q How long did you stay at Corinth? A We stayed at Corinth three or four or five days.
Q Then where did you go? A Come right on through to Vicksburg, I did,and then from there right on down----
Q Did you and this woman separate at Corinth?AYes, sir, and then next I saw them there at Gibson.
Q You went to Vicksburg? AYes, sir.
Q How did you go? A On a boat down the river and got off the boat. I steamboated nearly eight years.
Q You don't know how this woman come from Alabama? A Only what I have been told.
Q Where did you come to from Vicksburg? A We come up to a place called, I forget the name of the town, Napoleon, I think, seems like they called it.
Q How long did you stay at Napoleon? A Not long, so we come right come out of the Mississippi River into another river, and then into the Arkansas river.

Q Where did you come to, Fort Smith? A Yes, sir, and then to Fort Gibson.
Q Did you stop at Little Rock? A Yes, sir.
Q How long? A Not long. Boat didn't stop there long.
Q Then you came on up to Fort Gibson? A Yes, sir, Fort Smith, and then Fort Gibson.
Q You came by boat? A Yes, sir.
Q Where did you see this woman near Fort Gibson? A A man by the name of Johnson.
Q What was his first name? A Aaron.
Q Where did he live from Fort Gibson? A They lived at out beyond Fort Gibson, can't exactly remember the place, can't tell.
Q Were you at Aaron Johnson's? A Yes, sir, I have been out to his house.
Q At the time you speak of? A Yes, sir.
Q What kind of a house did he live in? A Log house or shanty.
Q Any rivers or creeks out there? A Yes, sir, there is creeks, several of them.
Q On whose place did Aaron Johnson live? A Can't tell. I supposed it to be his, but don't know.
Q How long did you stay out there? A I stayed there several days.
Q What was Aaron Johnson's wife's name? A It was Sarah, I think, not certain.
Q Did they have any children? A There was some there, but I don't know whether they were his. There was one there, a yellow boy, but I don't know what his name was. I think they called him Nick or Nichols.
Q Was this applicant's father there at the same time? A I never seen his fatherin my life.
Q Was this man married at that time? A He was nothing but a boy when I first saw him, his face was slick.
Q About how old was he? A I couldn't tell you.
Q What is your best judgment about how old he was? A Not knowing, I couldn't say.
Q You saw him and you can tell how old he appeared to be, can't you? A I couldn't tell his age, I never paid much attention to peoples' age then.
Q This question is getting nearer of a tender point with you and you—— A I don't know and I aint guessing.
Q You are guessing about how long after the war it was you saw them and can't you guess about this? A I know when we were turned loose.
Q You saw this boy and you can form some sort of an idea about whether he was 21 years old or not? A Couldn't tell.
Q Was he one month old or nearer 20 years old? A He was nearer 20 years than one month old.
Q Do you think he was 10 or twelve years old? A Somewhere there, maybe older.
Q Might have been older? A Yes, sir, I never did ask his age; there was mighty few who knowed their ages.
Q I am asking you about your best judgement? A Somewhere along there, might have been older.
Q About 10 or 12? A Yes, sir, somewhere along there.
Q That is your judgment? A Yes, sir.
Q A good big boy? A Yes, sir.

Q About half grown? A Couldn't say that.
Q He was about that old and about that large when you first knowed him? A Yes, sir, somewhere along in there, couldn't be for certain.
Q You didn't go with them, them from Corinth any further? A Corinth, Mississippi.
Q Say so if you didn't? A No, sir, I didn't.
Q When did you next see his mother after you saw her at Fort Gibson? A I haven't seen her since.
Q Haven't seen her since? A No, sir, have heard of her, but haven't seen her.
Q Did you ever see his since? A Yes, sir, and his sister.
Q When did you see him next? A I saw him off and on ever since.
Q When did you see him last? A I don't know exactly.
Q About how long? A Might have been a year or two years, somewhere along there, a year and a half.
Q Where did you see him? A Down by Fort Smith.
Q At Fort Smith? A Yes, sir, with an old fellow, I forget his name now.
Q What was his name? A I forget his name.
Q Was he married then? A No, sir.
Q Do you know where this man was married? A No, sir.
Q Do you know where those children of his were born? A No, sir, only what I have been told.
Q Never have been to his house? A Yes, sir, lots of times.
Q When ? A Off and on ever since he moved to Nequoyah.
Q When was that? A 12 or 13, wouldn't be positive.
Q Days or months? A Years, maybe longer.
Q That is the first time you ever saw him in the Nation, isn't it? A No, sir, I told you a while ago.
Q Did anybody live over there in the neighborhood with Aaron Johnson? A Yes, sir, several.
Q Who can you name that lived there that is living today? A An old woman by the name of Polly something, I disremember her name; wasn't acquainted with her; saw her here and at Fort Gibson lots of times? Then another family lived in there, I forget their names now, but I think Starrs.
Q Starrs? A Yes, sir.
Q One of them was a Barbara Starr? A It might have been, I don't know; it was a Starr, I don't know the other name. Then there was another family lived in there called Ross.
Q Who? A Ross.
Q Don't know the first name? A No, sir.
Q Don't you know those Starr niggers wasn't brought back here until the fall of '77? A I think they were Starrs; wouldn't be positive. I think they were Starrs, and a woman named Polly, I forgot her other name, and then several I saw if I could think of them.
Q Aaron Johnson is dead, isn't he? A I have heard so.
Q That is the reason you picked him as the man where you saw this applicant? A No, sir, I knowed Aaron Johnson like a book, just as good as I knowed anybody.

YANCY VINSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Yancy Vinson.
Q How old are you? A Going on 44.

Q. What is your present postoffice address? A. Sarviana, I.T.
Q. It seems that in your original application for enrollment as a Cherokee freedman your name was spelled in the testimony, Wilson-Sage, is that correct? A. No, sir, that wasn't correct.
Q. What is the correct spelling of your name? A. Thomas Wilson-Sage.

E. E. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. E. Vance.

Subscribed and sworn to before me this the 28th day of April, 1906.

(Signed) Charles H. Sawyer,
Notary Public.

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 27 day of July, 1906.

Charles H. Sawyer
Notary Public.

Cherokee P. O. 317, 318 & 319.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of MILLIE WHITE, ET AL., JIM H. WHITE, ET AL., and MARY WHITE, as Cherokee freedmen.

It appears that on July 6, 1904, the principal applicants and the attorney for the Cherokee nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on this day and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicants appear in person.
Cherokee nation by its attorney, James S. Davenport.

MILLIE WHITE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Millie White.
Q How old are you? A I better say about, I don't know hardly, just as I told you before.
Q When you applied before this Commission on January 22, 1902, you said you were about 48? A What would that make me now?
Q About 50 now. A I guess so, yes, sir.
Q You applied for enrollment as a Cherokee freedman? A Yes, sir.
Q And for the enrollment of yourchild, Viola? A Yes, sir.
Q What is your present posteffice address? A Benge.
Q What district do you live in? A Sequoyah.
Q What is the name of your father? A I don't know, sir; I think they said Jeans.
Q Do you know anything about whether or not he was a Cherokee freedman? A No, sir, I don't.
Q What was the name of your mother? A Charlotte Johnson.
Q Is she living? A No, sir.
Q Was she a Cherokee freedman? A Yes, sir.
Q When did she die? A She died when I was small, directly after she brought us out here.
Q Did she die before the war? A No, sir.
Q After the war? A Yes, sir, after the war.
Q Where were you living when the war came up? A In Alabama, when the war come up.
Q Who did you belong to at that time? A Annie Johnson, Ben Johnson's wife.
Q Was she a citizen of the United States, a white woman? A No, sir, she was a Cherokee; the man that we were staying with told my mama to come home to the Cherokee Nation.
Q So you claim to have been the slave of a Cherokee citizen residing in the State of Alabama when the war came up? A Yes, sir.
Q When did you first come to the Cherokee Nation? A They sent us to the Cherokee Nation just before the war ended.
Q Did you know what year that was? A No, sir, I couldn't tell the year it was, now; it was before the war ended, because he took his niggers and went away and sent these home.

Q To what part of the Cherokee Nation did you come? A We came to Siloam, through Kansas, and came on down to Siloam.
Q Have you lived in the Cherokee Nation ever since that time? A Yes, sir, was off and on, sometimes I was out; I was married to a white man and he travelled about and was a carpenter.
Q How much have you lived out of the Nation? A I couldn't tell exactly, but I didn't never stay out a year at a time; I didn't want to go out, and wanted him to stay with me, but he wouldn't do it. He wanted to stay out where he could get good wages.
Q How long have you been in the Cherokee Nation this time? A About 18 years.
Q Have you ever been enrolled on any of the tribal rolls of the Cherokee Nation? A In time of the Kerns-Clifton roll I was. I made three trips then and then Dickson he was the last one, and they told me they had took some one older than I was.
Q Have you ever been enrolled? A No, sir.
Q You never drew any money from the Cherokee Nation either, did you? A No, sir.

By Mr. Davenport:
Q Where were you raised? A I can't just say that I was raised in the Cherokee nation, and I told you what they sent me home, and I was a good sized girl, about that hight (indicating).
Q You say when the war broke out you were living in Alabama? A Yes, sir.
Q At what place, Bridgeport? A I don't know, sir, I was small; I know I was there.
Q You lived at the same place and postoffice as George Ward and George McKamy? A I don't think---
Q Don't you know George McKamy? A Yes, sir.
Q Were you living at the same place? A I didn't know him then and not until here about 20 years ago.
Q How far was it to the nearest town where you were living that you remember the name off? A I remember a town called Tuscumbia.
Q How far was it from Tuscumbia that you remember living when you could remember anything about it? A I was so little I never went to town, but I can remember the name.
Q You say that Ben Johnson was your owner when the war broke out?
A Annie Johnson, Ben's wife.
Q Annie Johnson was living in Alabama when the war broke out?
A No, sir.
Q Where was she living? A Here in the Cherokee Nation; they sent us here to her.
Q Where did you find Annie Johnson when you came to the Cherokee Nation? A When we came here we stayed a good while, but they were gone somewhere; I could hear them talk when I got up any size and they said she was gone.
Q Where did you find her? A I didn't find her at all, but I found some of the colored people they knew.
Q Who did you find that they knew? A Uncle N. N. Johnson came to us, and Mose, a man by the name of Mose.
Q Where was Ben Johnson when you came to the Cherokee Nation? A He didn't come; I never seen him.
Q You knew the niggers were free before you left Alabama, didn't you? A No, sir, they told us to come home.
Q Who were you living with in Alabama? A Vinson.
Q Did you know what his first name was? A No, sir, Gurd and his son were there together.
Q How did you travel from Alabama to the Cherokee Nation at that time? A They give us a little old cart, or wagon, with two steers.
Q Did they give you any money? A I don't know; I know they give us a big paper.

Q Do I understand that you claim you travelled all the way from Alabama to the Cherokee nation in that ox cart? A Yes, sir, we came in the ox cart, let me see, I think we got with some white people, and we came all the way.
Q You were a good sized girl at that time? A Yes, sir, I knew what they give me, and I believe they exchanged the cart and got a horse.
Q Who came with you from Alabama to the Cherokee Nation? A A man by the name of Anderson Tatum, he come part of the way with us.
Q What did he do after he got out here? A He didn't come all the way with us, and then we met in with some more people, a black family and a white one.
Q You say you came direct from Alabama to the Cherokee Nation, or some other way? A No, sir, we came here.
Q Where did you cross the Mississippi River? A I was small; I couldn't tell.
Q You were large enough to remember towns and places like that? A No, sir.
Q How old is your oldest child? A About 31 years old.
Q You must have been 10 or 12 years old at that time? A I reckon I was a good sized little girl.
Q Where did you first strike the Cherokee Nation? A We come the through Kansas.
Q You came through Kansas coming from Alabama to the Indian Territory? A I think so.
Q If you did come by Kansas what town did you strike first? A I don't know.
Q Kansas is north of the Indian Territory, isn't it? A I couldn't tell.
Q Have you ever been in Kansas since you come to the Indian Territory? A No, sir.
Q You must have come through Arkansas instead of Kansas, didn't you? A I couldn't tell.
Q Didn't you live in Argenta, near Little Rock, a while? A Yes, sir, that was after I went back, after I married.
Q How long did you live at Argenta? A Didn't live there.
Q Did you live at Little Rock? A Yes, sir, a while, and then Pine Bluff.
Q You had been in Arkansas before you married? A I guess so, when I come through there.
Q Do you know you come through there? A I don't know how I come.
Q Who else besides yourself came of the colored people at the time you came? A My mammy and brother and Mrs.---
Q What is your brother's name? A Yancy Vincent.
Q Is he dead? A No, sir.
Q Where is he living? A In Sequoyah.
Q Your mother is dead? A Yes, sir.
Q Dod you know whether or not you had been in the Cherokee Nation before the time yoj claim you came about the time the war closed? A If I was I was a baby; some people told me I was born in Flint district.
Q Dod you know where Ben Johnson's home was in the breaking out of the war from information? A No, sir.
Q Have you ever seen his former slaves that lived in Sequoyah district and gone over this matter with them since? A I have seen some of them.
Q Have you ever gone to Joe Johnson and asked them if they remembered your belonging to Ben Johnson? A I aint seen Joe Johnson.
Q You have lived in Sequoyah district 17 years, you say? A Yes, sir, about that long.
Q Have you ever looked up and found out? A I aint had no talk with Joe Johnson.
Q Do you know George W. McKemy? A Yes, sir.
Q Have you ever talked with him about your citizenship? A He has talked with me about it.

Q Did he remember your owner being here before the war? A Yes, sir, he talked about it.
Q How far do you live from Bengo? A About four miles.
Q When you first went to Sequoyah district who of the old settlers were living near where you located? A Uncle Rose Johnson's.
Q How did you go to Sequoyah district, by land or on the train? A When I first come here?
Q Yes. A When I was small?
Q When you went to Sequoyah district? A It has been about 18 or 17 years, when I settled there to stay.
Q When you first settled there to stay how did you travel going to Sequoyah district? A I just come from over in Van Buren over in the Cherokee Nation and stopped there in Sequoyah.
Q You had been living in Arkansas? A Yes, sir, I travelled about in Arkansas after I married.
Q You have lived at Little Rock, Arkansas? A Yes, sir, my husband worked there.
Q How long did you live there? A I think he worked there about three months.
Q How long did you live at Pine Bluff? A We stayed at Pine Bluff about, we went there once when he was working at the carpenter trade and stayed there about two or three months.
Q Where else did you live in Arkansas, other than Little Rock and Pine Bluff? A We travelled about so much, wherever he worked at he would let me stay one place sometimes four or five months, and sometimes he would be off working, I don't know how far from me.
Q How many children have you? A Five.
Q What is the oldest named? A Jim White.
Q Where was he born? A In theChickasaw Nation.
Q At what point? A I can't tell what point; I just know upon a hill down in the Chickasaw Nation.
Q What is the name of the next oldest? A Harry White.
Q Where was Harry born? A Chickasaw Nation.
Q What is the next oldest? A Ruth.
Q Where was she born? A Cherokee Nation.
Q Where was the next one born? A The others were born in the Cherokee Nation.
Q You have no knowledge, yourself, of who your owner was? A Yes, sir, Ben Johnson, I had a knowledge.
Q Did Ben Johnson ever have anything to do with you so far as managing or controlling you before the war? A No, sir, all I know about him having anything to do with us was when they sent us home.
Q When you could first remember, in Alabama, you were living with Curd Vincent, who lived at Fort Tuskaloosa, right near the river, didn't you? A Yes, sir.
Q Then the war broke out and you were still with the Vincent's? A Yes, sir.
Q Your mother was there? A Yes, sir.
Q Your father was there? A No, sir, I don't know where he was.
Q Do you know of your own knowledge whether the war had closed when you started west? A No, sir, it wasn't closed; he took his black people and went away and left us there and sent us on home, and told us to come; said nothing wasn't going to hurt us.
Q What army post or army encampments did you pass coming from Alabama to the Indian Territory? A I couldn't call the names; we passed a heap of soldiers once in a while.
Q Don't you know that from the breaking out of the war, after the war was on in 1862, that in the southern states, both Alabama and Tennessee, and Mississippi, no colored people were allowed to travel without military escort? A Yes, sir, but they give us a paper and nobody bothered us; I didn't pay any attention to it.
Q You can't remember the year you got to the Cherokee Nation? A No, sir.
Q Where did you first establish a home in the Cherokee Nation? A First on Grand river.

Q At what point? A I don't know.
Q Can you remember the names of any of the parties near whom you stopped? A I can remember who come down there and talked with us.
Q Who? A Aaron Johnson.
Q Do you remember any white people or Cherokees? A I seed some passing, but I don't remember none of their names.
Q What did you do for a living? A Mammy just knocked around and begged.
Q Who did she beg from? A She would go to Gibson, but I remember several old people.
Q Then as I understand you, you didn't get up there to the Cherokee Nation until after Aaron Johnson had returned to the Cherokee Nation? A We got there before he come.
Q How long had you been there when you saw Aaron Johnson? A I don't know.
Q About how long? A I don't know whether we had been there a year or not. It was a year, I reckon, as near as I can come at it.
Q Had the war closed by the time you got to the Cherokee Nation? A I don't think it was; if it was I didn't know anything about it until Aaron Johnson told her, said it was no use hunting for Ben and Annie, because the niggers were set free then; several old people would visit around the wagon where she was camped.

By the Commission:
Q Were you ever married more than once? A No, sir, not but once.
Q Is that husband living now? A Yes, sir.
Q What is his name? A Gib White.
Q A state man? A Yes, sir.
Q He is the father of your children, Harry and Jim H. White? A Yes, sir, he is the father of all the children I ever had.
Q You don't know anything of your own knowledge as to whether your owners were citizens of the Cherokee Nation or not, do you? A Yes, sir, they was recognized.
Q How do you know that? A I heard those old ones say that.
Q You didn't know it, yourself? A No, sir.
Q Do you know whether they ever lived here before the war or not? A No, sir, only what I heard.
Q You are about 50 years old? A Yes, sir.
Q Before you finally settled in the Nation some 16 years ago where had you lived since you became grown? A I lived and married here in the Cherokee Nation and then went out; my husband went out.
Q About how old were you when you married? A My husband said I was about 15.
Q Then after your marriage had you ever lived in the Cherokee Nation from that time until 16 years ago? A I would just come backwards and forwards.
Q You never had any permanent home? A Yes, sir, it was my home.
Q Did you own a home here? A Yes, sir.
Q Where? A In Sequoyah I owned a home; I tried to get him to come here and stop carpentering.
Q Who were you neighbors down there? A Parson Vann.
Q That George W. Vann? A Yes, sir.
Q Who else? A Albert Johnson.
Q Do you remember who all were living in the neighborhood in which you settled first, when you first came to the Cherokee Nation? A When I first come here, I don't think there was anyone living that I seed.
Q Where did you come to, you say? A I come down here at Gibson, at Grand river, and stayed there a good while, right down on the river there, fishing.
Q How far from Fort Gibson was that? A Not far.
Q Anybody living in that neighborhood then? A Yes, sir, she went around, but I was small and she didn't carry me.

Q About how long do you think you lived there, how old were you when you moved away from there? A I think we stayed there about a year.
Q Then where did you go? A We left there and stayed on the Arkansas River a fishing a while, then we went to the Choctaw nation and stayed a little while fishing.
Q Where were you married? A I was married in the lower end of Sequoyah, on Lee's Creek.
Q Who performed the ceremony? A At a church house one Sunday night, the old man was named Dick Rankin.
Q A colored preacher? A Yes, sir.
Q Did you get a license? A No, sir, he just talked to us.
Q When did your mother die? A When I was small.
Q Where did she die? A I don't know, sir, but I think she died in the Choctaw nation; she had went away from us, and the man that was staying with her, he went off and then when mother went off in the Choctaw nation, she didn't come back, and when he came back he told me that she was dead, why then I went on towards Lee's Creek.
Q Have you got any brothers or sisters, or did you ever have?
A Yes, sir.
Q Are they living now? A Yes, sir, Yancy Vincent.
Q That is your brother? A Yes, sir.
Q Is he a full brother to you? A I don't know.
Q Have you the same mother and same father? A We have the same mother.
Q You don't know whether your father was his father or not? A No, sir.
Q He has applied for enrollment as a Cherokee freedman, also, hasn't he? A Yes, sir.
Q Did he come to the Cherokee Nation at the same time you did?
A Yes, sir.
Q Have you any other brothers or sisters? A No, sir.
Q Is Yancy Vincent older than you? A No, sir.
Q He belonged to the same people you did? A Yes, sir.
Q What is the name of his wife? A Lizzie.
Q She is a state woman is she? A Yes, sir.
~~Q Has he some children, Eliza and Tilda and Laura? A Yes, sir.~~
Q Then he has some children, Elijah and Tildy and Orra? A Yes, sir.
Q And Calwest and Pink and Nassie? A Yes, sir.

By Mr. Davenport:
Q Whose place did you locate on when you moved to Sequoyah district?
A When we went we located on Dr. Bell's place and worked some on Frank Morgan's and some on Johnson's.
Q Was that the first year that you worked on Dr. Bell's place?
A No, sir, not the first year. The first year we were in the hills and there was nothing up there we could do.
Q Whatplace in the hills? A Just back up there in the hills.
Q How far from the railroad were you? A About two miles, I believe
Q Don't you know whose place you lived on? A We went to that place and started to clean it up, but it was so poor---
Q Whose was it? A Nobody's then.
Q Where did you get your mail at that time? A Muldrow.
Q Muldrow was established when you went to Sequoyah district?
A Yes, sir, this last time.
Q When you moved to Sequoyah? A Yes, sir.
Q You had never lived in Sequoyah district before that time? A No, sir, only passing through there.
Q Near whom do you live in Sequoyah district? A Close to Mrs. Whitmire and Julia Johnson; they live up in the hills and we rent in the bottom.

Q Who do you come from in the Nation? A Alexander.
Q What Alexander? A Thomas Alexander.
Q This year? A No, sir, not this year.
Q Who are you renting from this year? A He ain't renting for them this year, he is working in the state
Q He is living in a state? A Yes, sir.
Q And you are? A No, sir, I stay here part of the time; he tried to get me there and I wouldn't do it; I have my things with my mama, and I stay with my husband part of the time.
Q Your husband is keeping house in Arkansas? A Yes, sir.
Q And you help do the cooking and live with him? A Yes, sir, sometimes.
Q You and he are not separated? A No, sir.
Q Whose place does you can live on in the Cherokee nation? A Houston Benge's.
Q Where is that place located? A Right between Cherokee and Fort Smith, right at the divide.
Q How long has he been living on that place? A This makes two years.
Q On whose place did he live before that? A Alexander's.
Q Thompson's or Joe's? A Thompson's.

By the Commission:
Q Is this child Viola now living and living with you? A Yes, sir.

JIM H. WHITE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jim H. White.
Q How old are you? A I am about 30 or 31 years old.
Q When you applied for enrollment on January 30, 1904, you gave your age as 24 years; that has been two years ago? A I aint positive, something along about there, 30 or 31, I aint positive.
Q What is the name of your wife? A Sarah White.
Q And you applied for her and for your children, Samantha, Birdie and Etta, did you? A Yes, sir.
Q Are she and those children all living now? A Yes, sir.
Q Living with you? A Yes, sir.
Q Your wife is a state woman, is she? A Yes, sir.
Q What is your present postoffice? A My present postoffice is Benge.
Q When you applied for enrollment in 1902 you stated your postoffice was Dora, Arkansas? A Yes, sir.
Q Was that right? A I aint for certain whether I stated Dora or not; sometimes we get our mail from Dora and sometimes from Benge, whichever is the handiest.
Q How long have you been living in the Cherokee Nation since you can remember? A I have been living there about 16 or 17 years since I could remember.
Q Where did you come from to the Cherokee nation? A I came from the Choctaw Nation.
Q How long had you lived in the Choctaw Nation? A I don't know; I lived in the Chickasaw; we went about so much, I don't know exactly.
Q Where were you living when you first remember? A At Fort Gibson.
Q How long did you live there? A We didn't live there so very long, about, I can't hardly remember how long; something along about a month or so.
Q Can you state about how old you were then? A No, sir.
Q About how large a boy? A I reckon I must have been something about the age between 12 and 13, I suppose, I would not be positive.
Q Were you living there with your mother? A Yes, sir.

Q Your family lived there for a month or so, your mother and her children? A She didn't stay there all the while.
Q You said for a month or so? A Yes, sir, but lived with mother directly all the time.
Q Who did you live with at Fort Gibson? A I don't know the peoples name.
Q You don't know the peoples name? A They called the fellow Sam something.
Q Were they colored people? A Yes, sir, I can't remember his name, I know his name was Sam.
Q Were you ever enrolled on any of the tribal rolls of the Cherokee Nation? A Yes, sir, we appeared before this court.
Q I say were you ever enrolled on any of the Cherokee tribal rolls? A No, sir.
Q You never drew any money from any of the Cherokee tribal authorities? A No, sir.
Q Did you ever vote in any of the Cherokee elections? A No, sir, never did.
Q Were you ever recognized in any manner as a citizen of the Cherokee Nation? A No, sir, we wasn't recognized no further than we tried to make up our proof here.

By Mr. Davenport:
Q After you left Fort Gibson the time you have spoken of where did you go? A After we left Fort Gibson I went to Memphis.
Q Memphis, Tennessee? A I reckon so.
Q It was outside of the Cherokee Nation? A Yes, sir.
Q Don't you know whether it was Memphis, Tennessee, or not? A I would not be positive.
Q Where was it located with reference to any rivers, any rivers near by? A I believe there was a river.
Q You don't want to be understood that you can't remember whether or not you crossed a river going from here to Memphis? A I guess we did.
Q Who went with you? A I don't know the people that went with us from here to Memphis.
Q Who was us? A I went with some more people.
Q Can't you tell me the name of somebody that went with you to Memphis, whether it was Memphis, Tennessee, or some other Memphis? A I don't believe I can.
Q How long did you stay at Memphis? A We stayed at Memphis about eight or ten months.
Q Who were we? A I am talking about the parties that went with me there.
Q You don't mean that you stayed there six or eight months and can't remember their names? A Yes, sir.
Q You were 18 or 19 years old? A I don't know whether I was or not.
Q You said you lived at Fort Gibson from 12 to 18 years, didn't you? A I didn't.
Q How long did you live at Fort Gibson? In all your life, all put together? A We lived at Fort Gibson something like two or three months.
Q Do you know where your mother was while you were at Memphis? A No, sir.
Q How large were you when you went to Memphis? A A good sized kid.
Q Were you large enough to work? A I didn't do any.
Q How long did you stay at Memphis before you returned to the Cherokee Nation? A We stayed at Memphis, I reckon, about ten or eleven months, I reckon.
Q Then where did you go? A We came from Memphis then back through the Cherokee Nation out towards Kansas. Q--Wh
Q What point in the Cherokee Nation did you go to? A Up here by old man Sam Barnes'.

Q Where does Sam Barnes live? A It was in Sequoyah district
Q How far was it from Fort Smith, Arkansas? A I reckon something about eight or nine miles, I guess.
Q Who lived near old man Sam Barnes at that time? A He was living there out in the hills and there wasn't many houses out there then.
Q How did you get from Memphis back over to the Cherokee Nation?
A We came part of the way on the train and part on the boat.
Q What part on the boat? A We came from Memphis to Pine Bluff on a boat.
Q Your mother was living at Pine Bluff at that time, wasn't she?
A I don't know where she was living at that time.
Q You know when she and your father lived at Pine Bluff? A Yes, sir.
Q They were not there then? A No, sir.
Q After you left Pine Bluff, how did you come to the Cherokee Nation? A On the train.
Q At what point did you get off of the train? A There at Fort Smith.
Q When you came to the Cherokee Nation to whose farm did you come first? A At a little place out there, up there in the hills somewhere.
Q You were grown then, were you? A I didn't consider myself grown.
Q Whose place were you living on when you first remember living in the Cherokee Nation? A On a little place that we tried to clean up of our own.
Q How long did you live there? A We lived there about a year, I think.
Q Then to whose place did you move after you left that place in the Cherokee Nation? A After we left that place we went to Dr. Bell's place.
Q That is near Fort Smith there on the Cherokee side? A Yes, sir.
Q Then where did you move to? A From Dr. Bell's place to Frank's.
Q Frank Morgan's? A Yes, sir.
Q How long did you live on Frank Morgan's place? A I think, I aint for certain, about three or four years.
Q Then where did you go? A From Frank Morgan's to Alexander's.
Q Thompson or Joe's? A Thompson's, I think.
Q Thompson is the one that is a Civil Engineer and not at home much?
A Joe managed it all the time.
Q How long did you stay there on the Alexander place? A About thre years, I believe.
Q Then where did you go? A From there to the Payne farm.
Q Houston payne's? A Called Payne Brothers.
Q How long did you stay there, up to the present time? A Yes, sir.
Q You don't know anything about who was the former owner of your mother? A No, sir.
Q Do you know George W. Vann, or McKamy? A Yes, sir, I have seen him.
Q Do you live on the Payne place now? A Yes, sir.
Q You don't mean to say that you live on the Payne place and get your mail at Benge, or Dora, Arkansas, either one, do you? A Yes, sir.
Q Go clear out to Benge to get your mail? A Yes, sir.
Q It is further than it is to Fort Smith, isn't it? A I don't know.
Q Don't you know that Benge postoffice is at the switch near Cherokee, and that the Payne place is right at the river where the bridge crosses the river to the Fort Smith side? A Benge is not on the river.
Q I know Benge aint, it is out at that switch this side of the bridge between there and Cherokee? A No, sir, not between Fort Smith and Cherokee.
Q Up this side of Cherokee? A Yes, sir.

Q Then you are getting four or five miles farther away from the Payne place? A No, sir, we have got a nearer way to go across the woods; if you take the railroad it is farther.
Q How do you get your mail at Bore, Arkansas? When you live either on the Bell, Payne or Alexander places? A Sometimes whenever there were a whole lot of passing, when we got a lot of business to attend to up there, sometimes we would have it sent there.
Q Bore, Arkansas, is over the hill from Cherokee, towards Lee's Creek? A Yes, sir.
Q And in order to get there you have got to cross that range of hills there by Cherokee? A Yes, sir, there is a hill there.
Q You were living down there by Van Buren on Lee's Creek for about three years, weren't you? A I don't know anything about it.
Q You have been there, haven't you? A I don't know much about that country around there.
Q Don't know anything about Lee's Creek? A Mighty little about it.
Q Don't you know that Bore, Arkansas, is just a short distance from Lee's Creek? A Probably it is; of course, I have been to Lee's Creek.
Q Your mother lived over on that side for a long time, didn't she? A I don't know, sir.
Q She lives in Arkansas now, don't she? A No, sir.
Q Don't she and her husband keep house on the Arkansas side? A No, sir.
Q Where is her family living? A My mother stays with me.
Q Has she and her husband separated? A I don't know whether you call it separated or not; she tried to get him to come over there and rent land with me; she is living with me now.
Q Where is her husband living, on whose farm? A Old man Bowles' farm, I reckon that is the man, he stays in town.
Q What town? A Fort Smith.
Q Thomas Bowles? A I don't know, sir, whether it is Thomas or not.
Q The farm is on the Arkansas side? A Yes, sir.
Q Where does Viola stay? A Right there with me.
Q All the time? A No, sir, not all the time.
Q Don't you know that Viola is to-day, and was yesterday at noon, right where this man White is with your wives? A No, sir, the baby-
Q Wasn't she there yesterday at noon? A No, sir.
Q Where was she? A I was here yesterday.
Q You don't know, then, where she was yesterday? A No, sir.
Q Where was she when you started up here? A There at home.
Q Who keeps house for your mother's husband? A One of the boys stays there and cooks whenever she aint there.
Q I believe you say you never applied to any Commission only the Dawes Commission for your rights? A No, sir.
Q How far do you live from George W. McKamy? A Is that Vann?
Q Yes, sir, and you know it. A I reckon about four or five miles.
Q He is a preacher? A Yes, sir.
Q You have talked with him about your citizenship? A No, sir.

By the Commission:
Q When the Commission's notice was sent to you on July 6, to introduce further testimony in your application, you were also requested to furnish affidavits as to the birth of your children, have you them? A No, sir, I understand it would do as well here.
Q Didn't we send you blanks? A Yes, sir.
Q Haven't you attended to that? A No, sir.
Q Is your wife here? A No, sir, my mother is here, the one that waited on her.

Harry White, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Harry White.

Q How old are you? A I am not positive, somewhere between 27 and 28.
Q You are the son of Willis White and brother to Jim R. White?
A Yes, sir.
Q What is your postoffice? A My regular postoffice is Bonge.
Q You are not living at Bonge, Arkansas, now? A I am living in the same settlement, but we get our mail at different places.
Q Do you want the Commission to address letters to you at Bonge or here, Arkansas? A Bonge.
Q Are you living in the Cherokee Nation now? A Yes, sir.
Q In what district? A Sequoyah.
Q How long have you been living there? A Something like 14 years.
Q Where were you living when you could first remember? A Wasn't hardly stationed here when I could first remember; I was here in the country.
Q What part of the country? A Here at Fort Gibson about the first I can remember.
Q Have you ever been enrolled on any of the tribal rolls of the Cherokee Nation? A No, sir.
Q Have you ever drawn any money from the Cherokee Nation? A No, sir.
Q Have you ever voted in any of the Cherokee elections? A No, sir.
Q Have you ever been recognized in any manner whatever as a citizen of that Nation? A No, sir, not to my knowledge, myself.
Q Are you a single man? A Yes, sir.

By Mr. Davenport:
Q Harry, I didn't get your age; what was it? A I am not positive about it; somewhere like between 26 and 28.
Q You live now on whose place? A On Vincent's place now.
Q Where is that? A In Sequoyah district.
Q How long have you been staying there? A About two years, I think, off and on.
Q How often on and how much off? A Something like three months at a time, and then go in the state and work about a month and come back.
Q How long have you lived in the state since you can remember? A I can't tell you exactly, just in and out.
Q At what places in the state have you lived? A I have lived at, to my recollection, at Little Rock a short while.
Q Where else? A Pine Bluff a short while.
Q Where else? A I have had a trip or so to Memphis.
Q Just been living at different places? A Yes, sir.
Q Did you live on the Payne farm?when your brother lived there?
A Yes, sir.
Q Who with there? A I lived with him the biggest part of the while
Q How long has your mother been living on the Arkansas side with her husband? A She don't live there.
Q You mean to s ay they don't live together? A I don't mean to say they don't live together.
Q You are simply trying to place them in the attitude of her living over here to hold her right, if any they have? A Yes, sir.
Q Her home is really over there? A No, sir.
Q She stayed there the greater part of last week, didn't she, with her husband? A No, sir, I don't know of her being over there for two months.
Q Do you know an old colored fellow at Fort Smith by the name of Dillard? A No, sir.
Q Don't you know that Dillard was over at the farm last week and know that your mother was there with her husband? A No, sir.
Q Her husband lives on the Bowles place? A Yes, sir, he has got a crop there.
Q It is Colonel Bowles? A Yes, sir.

Q Did you see Thomas Rowlee over at the farm there last week? A No, sir.
Q You were not on the Rowlee place? A I was there once or twice.
Q In going there they cross the bridge there at the Payne place?
A Yes, sir.
Q How long did you live on the Payne place? A I am living on the—
Q I am speaking of the time you lived there? A I don't know how long I lived there.
Q You don't know much about the Cherokee Nation, do you Harry?
A Yes, sir, I know about as much about it as any of the balance of the family.
Q How long have you known George W. McKinney? A I couldn't tell you at all.
Q You have talked with him about your citizenship? A No, sir.
Q You are acquainted with him? A I know him when I see him.
Q Were you living on the Payne place when he moved from Argenta to the Payne place? A I didn't know where he came from.
Q Were you living there when he came to the Payne place? A I don't know anything about his coming there.
Q Where were you living when you first got acquainted with him?
A I was living on the Alexander farm when I first saw him?
Q How long ago was that? A Something like five years ago.

JERRY VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jerry Vann.
Q How old are you? A About 50.
Q What is your postoffice address? A Rowland.
Q Cherokee Nation? A Yes, sir.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, Millie White and her two sons, Jim H. White and Harry White? A Yes, sir.
Q How long have you known them? A I knew the old lady and old man somewhere about the latter part of '66 if I make no mistake.
Q That is, Millie and her husband? A Yes, sir.
Q Where were they when you first got acquainted with them? A On Grand river; there in a tent; I suppose fishing; they had fishing tackle.
Q You think that was sometime in what year? A In the latter part of '66, if I make no mistake.
Q Where were you living then? A On Grand river, near Dr. McNair's.
Q And this woman and her husband were living in a tent on Grand river? A Yes, sir.
Q How long did they stay there? A I don't know, Colonel, I noticed them there several times; may have been two or three months.
Q What was her husband's name? A Gib White.
Q Do you know how old this woman, Millie, is now? A No, sir, I don't.
Q About how old was she to the best of your knowledge when you first saw her in 1866? A I couldn't say, Colonel, she looked to be a middle aged woman, to my opinion; been a good long while; the old man looked to be elder than the woman..
Q Did they have any children then? A Yes, sir, two little children, small little fellows.
Q Were they boys or girls? A Two little boys.
Q Were they these boys? A Now, I couldn't say exactly that they were these boys; they say they were the boys; it was a good while after that that I saw them again.
Q You don't know whether or not it was Jim and Harry? A No, sir, I didn't know the children's names.

Q The woman was about middle aged? A Yes, sir, she looked like middle age.
Q What do you mean by middle age? A 30 or 35 somewhere along there, what I would call a middle aged woman.
Q Do you know how long they continued to live there? A No, sir, I don't.
Q Where did you next see them? A Next I saw them when I come down from there to Fort Smith; I saw them here at the Fort Smith bridge.
Q Was that in the Cherokee nation? A Yes, sir.
Q Were they living there? A Yes, sir, camped on this side in a tent.
Q About what year was that? A I don't recollect whether it was in 1879 or whether it was in '80; it was between '79 and '80, and they said they were the same folks and I got acquainted with them again and they said they were the same folks that used to be on Grand river.
Q Do you know how many children Willie has got? A Four, I believe; I believe Jim and Harry and Little Bit, we called her, and Beth and Annie, I believe that is all I know.
Q Well, you say you again saw these applicants somewhere about 1880, when was the next time? A They have been living right there off and on ever since sometimes, I believe; I live six or seven miles from them now.
Q You don't know anything about Willie or her mother having been a slave of a Cherokee citizen before the war? A No, sir.
Q You don't know where she came from to the Cherokee Nation? A No, sir, I don't.
Q The first you knew of them was on Grand river in 1866? A Yes, sir.

By Mr. Davenport:
Q That was Willie White and her husband? A Yes, sir, Gib and Willie White.
Q Have you since that time seen Gib White? A Yes, sir.
Q Where is he living now? A Right below Babe Payne's.
Q What country? A They live in the, I believe, I don't know whether it is in the Territory or right on the line, live on the Bean farm.
Q Bean or Bowles farm, which? A My understanding it is the Bean.
Q How far do you live from them? A About seven miles.
Q Don't you know it is a farm that belongs to Bowles, who lives in Fort Smith? A Yes, sir, I know the Bowles farm, but I don't know whether they live there, but it seems----
Q I want to know what you knew? A It seems that they rented the Bean farm from old man Alexander.
Q How long have you lived in Sequoyah? A Since 1870.
Q Did they live there when you went there? A Yes, sir.
Q Didn't you say that was '79? A I was, said '70, '79 or '80.
Q Sometime in the past? A Yes, sir.
Q You said Gib and Willie had two children when you first met them? A Yes, sir.
Q That would have been, you saw them in 1866? A Yes, sir.
Q If it was in 1866, it would have been 38 years ago? A Yes, sir about.
Q Don't you know that these boys are not 38 years old? A I don't know.
Q Don't you know that the applicant swore, herself, in the last half hour that she wasn't married them? A I don't know.
Q I am asking you if you don't know it? A If I aint mistaken these are the people I seen.
Q And they were married when you saw them in 1866? A They had two children; I couldn't say they were married; I didn't see no license.
Q When were you first spoken to about coming as a witness in this case? A I don't know; they come up there sometime week before last.
Q Who come? A Jim, himself.
Q Jim White? A Yes, sir.

Q And then you thought it over and remember that you had seen Willie and Gib White on Grand River? A No, I had talked, me and my wife, quite a while about it; they lived at one time right close to us, and we talked about it several times and spoke about as knowing him on Grand River.
Q How old were you then? A I don't know exactly.
Q How old are you now? A About 60.
Q The applicant in this case, Willie White, at the time you saw she and Gib White on Grand River was about a middle aged woman? A Yes, sir.
Q And had two children? A Yes, sir.
Q And both were boys? A Yes, sir.

By the Commission:
Q About what size or age would you have taken these children to be? A I don't know; little bittle boys, small fellows looked like twins to me.
Q Were they 10 or 12 years old? A Might have been two years old, maybe not so old; I couldn't tell; maybe a little older.

ANDERSON YATUM, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Anderson Yatum.
Q How old are you? A Between 60 years old, the 31st day of December.
Q What is your postoffice address? A Roland.
Q That is in the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee freedman? A No, sir.
Q You are a state man? A Yes, sir.
Q Do you know the applicants in this case, Millie White and her sons, Jim H. and Harry White? A Yes, sir.
Q How long have you known them? A I have known Millie about 50 odd year, but these boys I knew them since they were tolerably good sized boys.
Q Where was Millie living when you first got acquainted with her? A In Alabama, when I first saw her.
Q Before or after the war? A Just at the breaking out of the war and after the war.
Q You saw her in Alabama after the war, did you? A Yes, sir.
Q Was she living there then? A Yes, sir, she wasstaying about; she was quite a small girl then; she was there with her mother and brother.
Q What was her brother's name? A Yancy Vincent.
Q Were Millie and her slaves of Cherokee citizens before the war? A That is what they claim.
Q You don't know about that? A No, sir.
Q You knew them before the war? A Before it broke; in time of the war.
Q You first knew them during the war in Alabama? A Yes, sir, Tuscumbia.
Q How long after the war did they continue to live in the state of Alabama? A Not long; they came away from there along about the first part of '67 or latter part of '66; I came with the old lady and them to Corinth, Mississippi.
Q Do you know whether it was in 1866 or 1867? A I think it was in '66, I wouldn't be positive.
Q Before or after Christmas? A Before Christmas.
Q Who all came in that party? A Aunt Charlotte.
Q Charlotte who? A Johnson, she called her name; and this here woman, she was a girl then, and her brother, and another fellow, I forget his name; I think they called him Tom, I aint certain; I left them at Corinth.

Q To what point in the Cherokee Nation did they come, do you know? A I don't know where they first stopped at. When I found them after that they were up here close to Gibson.
Q Did Fanny Vincent come at the same time this Willie came? A Yes, sir, I found them, she said so when I saw them.
Q You testified in Fanny Vincent's case, didn't you? A Yes, sir.
Q About how old was this woman when they come to the Cherokee Nation? A I couldn't tell exactly, tolerbly good sized girl, I guess she was about 14 or 15, somewhere along there, might have been older.
Q Do you remember the name of her mother? A Yes, sir.
Q What was her name? A I called her aunt Charlotte.
Q What was her father's name? A I didn't know him, never saw him in my life.
Q Have you known Willie ever since she came to the Cherokee Nation? A Yes, sir.
Q Do you know where she has lived ever since she came here? A No, sir, I couldn't tell that; often and on I would see her.
Q You don't know whether she has lived inside or outside of the Nation the most of that time? A No, sir, I would see her in the states sometimes and sometimes here in the Nation.
Q Have you known these boys since their birth? A No, sir, not since their birth. Jim was a good big boy when I first saw him; this one was the largest and this one was little.
Q Do you know where they and their mother have lived for the past 15 or 16 years? A In part; I was gone part of the time.
Q Where were they when you knew of them? A Sometimes I would find them in the Cherokee Nation and sometimes in the states.
Q That is the last 15 years? A Yes, sir, for the 12 years they have been in about there.
Q Where? A Down in Sequoyah district.
Q When was the last time you saw them in Arkansas? A About a week ago.
Q Were they living there? A No, sir.
Q When was the last time you knew them to live in Arkansas; they give a crop in Arkansas and got a claim in the Cherokee nation; their father has got a little crop there.
Q Their father is working a crop in Arkansas? A Yes, sir.
Q How long has he been there? A About five or six or seven months; he pitched his crop and moved from the Cherokee nation; that is, his tolls, part of them; and part of them are in the Cherokee Nation.

By Mr. Davenport:
Q You knew the Vincent family in Alabama before the war? A In time of the war it was.
Q You knew they were not Cherokees or didn't claim to be? A Only what I was told.
Q The Vincent family didn't claim to be Cherokees? A I didn't know them in Alabama, just these colored people.
Q Didn't they live there? A That is what Aunt Charlotte told me.
Q How far were you raised from Tuskaloosa? A Principally at Huntsville; I don't know exactly; we come from Birmingham; I was born close to Huntsville.
Q When you came to the Cherokee Nation, you say you come by the way of Chattanooga from Birmingham? A Yes, sir.
Q How did you travel? A With a man who had some mules, trading.
Q Just going from point to point trading? A Yes, sir, when I first got in there I left him.
Q Were these people with you then? A Yes, no, sir, I found them at Tuscumbia.
Q How far did they come with you? A To Corinth, Mississippi.
Q The war was over at that time? A Yes, sir, no fighting going on then.

Q The next time you saw them was in the Cherokee Nation? A Yes, sir.
Q Several years after the war? A No, sir, not long, it was in '66, I think March, maybe more, or '68, somewhere along after I left them.
Q You don't know what time it was you left them in 1866? A No, sir.
Q Was it before or after the crop season of 1866 that you left them? ~~Q--Just before Christmas~~ A Just before Christmas.
Q You never saw them any more for how long? A About five or six maybe eight months, I saw them up here in the Cherokee Nation.
Q At what point were they living in the Cherokee Nation? A I wasn't at the house; Yancy told me where his sister was, over on Grand river, he had a little home over there.
Q Did you know Willie and her husband when they lived at Little Rock and Pine Bluff? A I knew them before that.
Q Do you know of your own knowledge that they lived there? A No, sir.
Q Do you know how long they lived in the Choctaw Nation? A No, sir.
Q There were years at a time that you didn't see them? A Might have been.
Q White is living on Bowles's place in Arkansas, now, is he? A Yes, sir.
Q Where did he make a crop last year? A I think on the Bean farm, Alexander's, I believe he owns it. I had the same land, myself.
Q You know nothing about their being slaves before the war? A No, sir.
Q They were not free colored persons in the Cherokee Nation at the breaking out of the war? A If they was I don't know it.
Q When you came to Corinth with them, the war was over? A It was about the last of '66 or the first of '67, yes, sir.
Q Yancy Vincent was with them at that time, coming this way?
A Yes, sir, they were sisters and brothers, so I have been informed
Q She wasn't old enough to have married at that time? A No, sir.
Q When you saw her on Grand river was she old enough to have been married and had a couple of children? A I think not.
Q When did you first see Gib White, her husband? A I saw him, it has been 20 some odd years ago, the first time I saw him.

By the Commission:
Q When you first saw her in the Cherokee Nation in 1866 or '67 she wasn't married? A No, sir, not when I first saw her.
Q Who was she living with? A Her brother said on Grand river.
Q You saw her, didn't you? A She was living with some person by the name of Starr.
Q Did she have any children? A I didn't notice any.
Q About how old do you think she was? A She must have been then maybe 17, maybe not that old.
Q Did you see her? A Yes, sir, the first time, the next time I didn't.
Q What do you mean by the first time? A When I saw her people.
Q What year was that? A I believe that was, I couldn't tell, but it was a good while.
Q Do you know when you first saw that woman in the Cherokee Nation after the war? A It was five or six months after I left them, when I first saw them.
Q What year was that? A In '67, I think, along close.
Q At that time was she married? A Not that I know anything of, not then.
Q To your best knowledge she had no children? A I couldn't say that; she might have had, but I didn't see them with her.
Q You just saw her once or twice? A Yes, sir, occasionally.

WILLIS WHITE, recalled.

By the Commission:
Q I believe you stated that you came to the Cherokee Nation at the same time that your brother, Jenny Vincent, came? A Yes, sir.
Q Then the testimony taken in his case would be the same as your case? A Yes, sir, not the same---
Q In regard to when you came to the Nation? A Yes, sir.

Commission: The testimony taken in Cherokee Freedmen D 1064, Yancy Vincent, et al., will be filed with and made a part of the record in this case.

Q You stated that when you first came to the Cherokee Nation you lived on Grand river, near Fort Gibson? A Yes, sir.
Q And that was in 1866? A Yes, sir.
Q Who were you living with there? A In a wagon, in a tent.
Q Who with? A A man that stopped ~~with me a while~~ with my mother a while.
Q You were with your mother? A Yes, sir.
Q And Yancy? A Yes, sir.
Q And you lived there about a year, you stated? A Yes, sir.
Q Then where did you go? A Over on the Arkansas river, right straight fishing again.
Q And you lived there how long? A About a year again, I reckon.
Q Then where did you go? A Went off again, fishing, I know she went to the Choctaw nation, I think twice, backwards and forwards.
Q About how many years was it after you came to the Cherokee Nation in 1866, until you married? A I married after I got rid of ma and -----
Q About how many years, three, four, five, about how many years?
A It must have been five years, or four, my husband said I was 18.
Q You had never had any children before that time? A No, sir, I was too little.
Q Where do you remember of first seeing Jerry Vann in the Cherokee Nation, this witness that has testified in your case? A I seed him once at the river, where we were fishing.
Q What river? A It must have been the Arkansas River, I think it was the Arkansas river; I know he come there once, a small boy, and I saw him I think, at Gibson; I seed him twice and then I never saw him any more for a good while and when I seen him again----
Q About how old was he when you first saw him, a grown man? A No, sir, not what I call grown.
Q About how old? A A good tall boy.
Q Can't you state whether he was grown or not? A No, sir.
Q Have you any other witnesses that you want to introduce in this case? A No, sir, I don't think I need any more.

Commission: The applicants and the attorney for the Cherokee Nation state that they have no further evidence to introduce in this case, and the case is, therefore, declared closed.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this the 18th day of August, 1904.

Rebecca H. Sawyer

Notary Public.

TESTIMONY OF THE WITNESS,
Pertaining to the Dawes Commission,
Muskogee, Indian Territory, March 6, 1905.

In the matter of the application for the enrollment of Millie White et al. as Cherokee Freedmen, consolidating the applications of:

Millie White ----------Cherokee Freedman-D-317,
Jim M. White ----------Cherokee Freedman-D-320,
Harry White ----------Cherokee Freedman-D-321,
Annie Thomas ----------Cherokee Freedman-D- 85,
Yancy Vincent ----------Cherokee Freedman-D-1066.

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On February 10, 1905, Neal & London, attorneys for the applicants, and Bell, Hastings & Davenport, attorneys for the Cherokee Nation, were notified that the matter of the application for the enrollment of Millie White et al. would be taken up for hearing on March 6, 1905, at 9:00 o'clock A. M..

On this, the 6th. day of March, 1905, the applicants appear not, either in person or by attorney, and the Cherokee Nation represented by William W. Hastings. No request for continuance has been received from the applicants or their attorneys.

Ben White, being first duly sworn, testified as follows:

Q. What is your name? A. Ben White.
Q. What is your post office address? A. Rowland, Indian Territory.
Q. What is your age? A. I will be 47 the first of June.
Q. Do you live in the Cherokee Nation? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. Where does he live? A. He lives in the Cherokee Nation.
Q. How far from you? A. He lives a little over a mile from me
Q. Do you know Millie White? A. Yes sir.
Q. Is she a colored woman? A. Yes sir.
Q. How far does she live from you? A. I guess she lives about two miles or more.
Q. What relation are Millie White and Yancy Vincent? A. Brother and sister.
Q. Which is the elder? A. Millie.
Q. How long have you known Millie White? A. Ever since I was a little bitty fellow---ever since I could remember anybody.
Q. Where did you know her? A. In North Alabama.
Q. How long have you known Yancy Vincent? A. We were just little boys directly after the surrender. I have knowd him ever since we were little bitty fellows.

Q. Were you a slave? A. Yes sir.
Q. To whom did you belong? A. Henry Vincent.
Q. Where did you live? A. In North Alabama.
Q. Near what town? A. Seven miles east of Tuskumbia and ten miles west of Leighton.
Q. Who did Millie White and Yancy Vincent belong to? A. I always knowed that they belonged to the same man that I belonged to.
Q. When you could first recollect they were living there? A. Yes sir.
Q. When you knew them were they living there? A. Yes sir, and they went by the name of Vincent.
Q. How long did they continue to live there in North Alabama?
A. They lived there up to '61.
Q. How long did you live there? A. Till '61.
Q. Where did you go to then? A. After I left Alabama.
Q. Yes? A. I come to Arkansas.
Q. What place in Arkansas? A. Pine Bluff.
Q. Did you know Commissioner Breckinridge? A. Yes sir.
Q. Did you and Millie White and Yancy Vincent move there together from Alabama? A. I come in August, Yancy come in November, and Millie at Christmas in '61.
Q. How long did you stay at Pine Bluff? A. I come to the Cherokee Nation in 1873.
Q. Which came first, you or Millie White and Yancy Vincent?
A. I come on the train and brough Millie with me. Yancy come through the country.
Q. Had Millie Married? A. Yes sir.
Q. Where did she marry? A. In North Alabama.
Q. She was married when she came to Pine Bluff? A. Yes sir.
Q. Where did Yancy marry? A. In Arkansas, near Pine Bluff.
Q. Was Yancy ever married more than once? A. Yes sir.
Q. Was he married the first time at Pine Bluff? A. No sir, he was married in North Alabama.
Q. What became of his first wife? A. She died after they come to Arkansas, down there about Wabeeska.
Q. And he married the second time at Pine Bluff, Arkansas? A. Yes sir.
Q. Did you live in the town of Pine Bluff? A. No sir, I lived six miles in the country.
Q. Where did these people live? A. When they first stopped they were on the Trulock place near Wabeeska, and then they went from there to the Cherokee Nation.
Q. You said you brought Millie along on the train? A. Yes sir.
Q. Did her husband come along? A. He come through the country
Q. What was her husband's name? A. Gib White.
Q. Was she ever married but the one time? A. No sir.
Q. Do you know Millie White's children? A. Yes sir.
Q. Do you know one by the name of Jim H. White? A. Yes sir.
Q. Is he married? A. Yes sir.
Q. Do you know his wife's name? A. Sarah.
Q. Has he any children? A. Yes sir.
Q. How many? A. I think he has got about four.
Q. Do you know their names? A. No sir, they are small. They all have nicknames, and I don't know them.

Q. Do you know any of the others of Millie White's children? A. Yes sir.
Q. What are their names? A. I know Harry.
Q. Where was Harry born? A. In North Alabama.
Q. Do you know where Jim P. Was born? A. In North Alabama.
Q. Have they a younger child named Viola? A. Yes sir.
Q. Where was she born? A. In North Alabama.
Q. All three of these children were born in North Alabama? A. Yes sir, and one named Annie, too.
Q. Have they got another on by the name of Annie? A. Yes sir, and one by the name of Euthie.
Q. Where is Annie living? A. She is staying on Mr. Payne's place.
Q. Who did she marry? A. Bill Thomas.
Q. Is he a Freedman? A. Yes sir.
Q. He married Annie White? A. Yes sir.
Q. They were married down here in the Cherokee Nation? A. Yes sir.
Q. Where was Annie Thomas born? A. In Alabama.
Q. Did you say that you brought Millie White with you on the train when you come in '93 from Pine Bluff, Arkansas? A. Yes sir, I come with her.
Q. Had she ever been in the Cherokee Nation before? A. Not that I know of.
Q. They never claimed then that they belonged here? A. No sir, not as I heard.
Q. They never claimed then to be citizens of the Cherokee Nation?
A. If they did I din't hear them.
Q. When did Yancy Vincent come to the Cherokee Nation? A. In '93, in August.
Q. Was it before or after you came? A. After. I came in February.
Q. Where did he leave when he came here? A. Down there about a place they call----down below Wabeeska?
Q. How far from Pine Bluff? A. I don't know how far it is. He worked down there in some shingle mills.
Q. Has Yancy Vincent a family? A. Yes sir.
Q. You say he married his second wife at Pine Bluff? A. Yes sir.
Q. Did he have any children by his first wife? A. Yes sir.
Q. What are their names? A. Lish, Matilda, and William Yancy.
Q. Did he have a child by his first wife named William Yancy?
A. Yes sir.
Q. Where is he? A. He died. He and his mother both died down there.
Q. Has he any children by his last wife? A. Yes sir.
Q. Do you know their names? A. No sir, I don't know them--- I mean I don't know their names. He has three or four there. They are small. I have got the name of one of them right on my tongue, but I can't call it.
Q. Is one named Colwest? A. Col--- that is it. I do not know about any but Col, but he is going to school with my children.

COMMISSION:

Q. How old do you say you are? A. According to the way my age is given to me, I will be 47 the first of June of this year.

Q. Who was the mother of Millie White? A. Her mother was named Charlotte.
Q. Did you come with Millie White and Yancy Vincent from Alabama to Arkansas? A. I did not come with them, but they came to Arkansas in the same year.
Q. Who came first? A. Me. I got there first.
Q. When did you come? A. In '81.
Q. Did you know Millie White and Yancy Vincent all the time from the war up to the time you came to Arkansas? A. I knew them ever since directly after the surrender.
Q. Did you know them continuously? A. Yes sir.
Q. How near did you live to them? A. Sometimes on the same place, and sometimes just be moved off to other places, like people do.
Q. Could they have gone away for about a year at the close of the war and you not know anything about it? A. Yes sir.
Q. Could they have gone away for more than a year and you not know it? A. They might have gone for two years.
Q. Did they ever tell you that they had been to the Cherokee Nation prior to 1881? A. No sir.
Q. Did you meet them often? A. Yes sir, excusing the two years I have spoke about. At that time I was up on the Tennessee river.
Q. You visited at their houses? A. No sir, but I saw them at church.
Q. Did you ever take any meals at their houses? A. No sir.
Q. You never heard them say anything about being in the Cherokee Nation? A. No sir.
Q. Did you ever live in Argenter? A. No sir.
Q. Did you ever live in Little Rock? A. No Sir.
Q. Are you an applicant before this Commission as a Freedman? A. No sir, I am a state man.
Q. Have you ever made any application before this Commission
A. No sir.
Q. When did you first find out that Millie White and her relatives had made application as Cherokee Freedmen? A. Let me see--- I do not know. I couldn't tell just exactly when, but I have been hearing it a good while.
Q. About when did you hear it first? A. It has been two or three years, I reckon.
Q. Did you tell anyone at the time you heard this that these people were living in Alabama at the time of the war? A. No sir, nobody never asked me about it.
Q. When were you first asked to testify in this case? A. I believe last year.
Q. Who asked you? A. I believe Mr. Frank Morgan asked me if I knewed them in Alabama, and I told him--yes, I knewed them.
Q. Have you ever had any trouble with any of these applicants.
A. No sir.
Q. Are you good friends? A. Yes sir.
Q. How near do you live to them? A. I live about a mile from Yancy---it may be a few steps over a mile, but we call it a mile.
Q. Did you ever talk to Yancy about this case? A. No sir.
Q. Did you ever talk to Millie White about it? A. No sir.

Mr. Hastings:

Q. You are sure you are not mistaken? A. No sir, I know these people.

Q. You understand do you that you are under oath? A. Yes sir.
Q. You swear positively that you know of your own knowledge that from about two years after the war up to 1881 these people lived in Alabama? A. Yes sir, excepting the two years that I was up on the Tennessee river.
Q. Then, with the exception of two years after the war up to 1881 you know that these people lived in Alabama? A. Yes sir.
Q. They might have been in the Cherokee Nation those two years after the war? A. They might have been but I never heard of it.

CROSS-EXAMINATION:

Q. Where were you when you can first remember? A. I was living there with Vincent.
Q. With your old master? A. Yes sir.
Q. Where was Millie White at that time? A. She was on the place. I was his servant-- to wait on him, and Millie was on the place.
Q. Where was Yancy Vincent? A. He was on the place, too.
Q. Was Millie White married when you can first remember? A. Yes sir, they said that she was married.
Q. Did you go away from there a year or two after the war? A. I left and went up on the Tennessee river and stayed. two years.
Q. How far from where you had been living? A. About 13 miles.
Q. When you came back were these people still living there? A. I didn't see Yancy, but I saw Millie.
Q. How long after you come back? A. About six months. You know a boy running around, like me, nobody could keep him at home. But I saw Yancy about six months after that.
Q. Had the war closed when you left there? A. Oh! yes sir, that was after the surrender.
Q. How long after the surrender was it that you went up on the Tennessee river? A. I went up there in '70.
Q. Then up to '70 from your very earliest recollection Millie White and Yancy Vincent were there on old man Vincent's place?
A. Yes sir.
Q. You said that they belonged to the man to whom you belonged?
A. Yes sir, I always heard that they belonged to Vincent.
Q. They went by the name of Vincent? A. Yes sir.
Q. What was their mother's name? A. Charlette.
Q. What name did she go by when you can first remember? A. Vincent.
Q. Did she belong to the same party? A. Yes sir. I have always heard so.
Q. She was living there when you can first remember? A. Yes sir.
Q. What was her name---was she married--- this Charlotte?
A. No sir, she didn't have no husband. She was sold from her man and he was sent to Tennessee.
Q. Did Charlette ever come to this country? A. No sir, she died in Jefferson County, Arkansas, in '93.
Q. Did she come out there with Millie White and Yancy Vincent in '81? A. Yes sir.

Q. She never was here, then? A. I never heard it mentioned that she ever was here.
Q. You never heard it claimed that she was? A. No sir, I never heard Cherokee Bellom named among them, and I never heard them claim to be Cherokees at all.
Q. They have always been known as the slaves of this man Vincent, to whom they belonged? A. Yes sir.
Q. You do not know how old you were when you first remember, but you have known them ever since you could know anything?
A. Yes sir. I do not know just exactly how old I am, for I take it from what the others gave me and count it the best I can
Q. You say you belonged to Vincent? A. Yes sir.
Q. In Alabama? A. Yes sir.
Q. What was he -- a white man? A. Yes sir.
Q. Did you know a man called Ben Johnson in Alabama? A. No sir
Q. Millie White says that she was the slave of Annie Johnson, the wife of Ben Johnson, and that Annie Johnson was a Cherokee. Is that true? A. I didn't know this fellow Johnson.
Q. Did a man by the name of Johnson ever own any slaves there, that you know of? A. Not that I know of. I never heard it at all.
Q. If Millie White had been the slave of a man called Ben Johnson would you have known it? A. I spect so, for I know who they say she did belong to.
Q. Did you know her throughout the war? A. No sir, I was too little. About the second year after the surrender I commenced knowing people, just like children do. I was born in time of the war.
Q. Do you swear that Millie White was the slave of a man called Vincent? A. I have always heard that, and she went by that name.
Q. Was Millie White living on the place of this man Vincent during the war? A. Yes sir, when I come to know her.

WITNESS EXCUSED.

W. J. Davis, being duly sworn, testified as follows:

Q. What is your name? A. W. J. Davis.
Q. What is your age? A. I am 52.
Q. Have you been sworn? A. Yes sir.
Q. What is your post office address? A. Rowland, I. T.
Q. Do you know Millie White? A. Yes sir.
Q. Do you know her husband, Gib White? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. When and where did you first know Millie White and her husband Gib White? A. I knew them in Jefferson County, Arkansas, at Pine Bluff.
Q. When did you know them down there? A. I got acquainted with them in 1890.
Q. What is your business? A. Well, I farms a little, and preaches some.

Q. Were you preaching down there in Arkansas? A. Yes sir.
Q. Were they members of your church? A. I was a licensed preacher at that time, but sometimes I preached at the church of which Gib White was a deacon.
Q. Where were they living then? A. On Jim Prulock's place.
Q. Did you know his family? A. Yes sir.
Q. Do you know the names of any of his children? A. He has a son named Jim, one named Barry, a girl named Annie, and I forgot the other girl's name. I know four of his children.
Q. Do you know Ruthie? A. Yes sir. Ruthie is a older girl than Annie.
Q. Do you know Viola? A. Yes sir, she is next to the baby.
Q. Were they living with their father and mother in 1890, in Arkansas? A. Yes sir, they were there. I met them in sunday school many a time.
Q. Who came to the Cherokee Nation first, you or them? A. I come first. I come to the Cherokee Nation in 1890, the fall of 1890, and I left them on Jim Prulock's place. I come here to Muskogee and preached, then went to Vian and they called me as their pastor, and after that I went back to Pine Bluff to move my wife here and I told them the Cherokee Nation was a nice place. I taught sunday school that day, and from my talk they found out that I had been in the Cherokee Nation and after sunday school I was talking to several of them about this country, and Gib White said he believed he would move out here. While I was talking to them I told them I had been called pastor at Vian.
Q. Was Millie and Gib White among those you told about the Cherokee Nation? A. Yes sir, they were on the ground.
Q. Did they know before of the Cherokee Nation? A. If they did I don't know it.
Q. Did they claim at that time to have ever been here? A. No sir.
Q. Did you, after that time, come to the Cherokee Nation? A. Yes sir, I come back in '91.
Q. When did you first see them up here after that? A. I seed them in the Cherokee Nation in '93.
Q. Do you know how long they had been here when you first saw them---did they say anything about when they came? A. Yes sir, the first time I met up with them after they come, I went over to Fort Smith, and I had the pleasure of meeting up with Gib White and he said to me "I am glad to see you. I am living in the Cherokee Nation now, I come week before last."
Q. That was in '93? A. Yes sir.
Q. Did you know Millie White's mother? A. Yes sir.
Q. Do you know her brother, Yancy Vincent---did you know him in Arkansas? A. Yes sir, I seed him there, but me a being a preacher and him a sinner, I didn't know him very well.
Q. About when did you see him up here? A. I think it was in 1895 or 1896. I think Gib was here two or three years before I saw Yancy.
Q. Did you ever hear them say in Arkansas where they were from--to whom they had belonged? A. No sir, I never heard them say anything about it.

COMMISSION:

Q. The first time you got acquainted with Millie White was in 1890? A. Yes sir.
Q. You know nothing of their history prior to that time? A. No sir.

Q. Where did you say each time in Arkansas? A. On the Freeland's place, near Pine Bluff.
Q. Do you know Ben White of Van Buren? A. I know one Ben White. He is a Baptist preacher.
Q. How old a man is this Ben White? A. I don't know, sir. He is enough older than me. I think he is about 60 or 70 years old.
Q. Are you an applicant here as a Cherokee Freedman? A. My wife is, but I am not.
Q. What is your wife's name? A. Julia. She was a Johnson before I married her.

WITNESS EXCUSED.

Lewis Johnson, being duly sworn, testified as follows:

MR. RAFFINOR:

Q. What is your name? A. Lewis Johnson.
Q. What is your age? A. About 53.
Q. What is your post office address? A. It has been Benge, but it is Rowland now.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. That is in the vicinity of Fort Smith? A. Yes sir.
Q. How long have you lived in that vicinity? A. I have lived there all my life.
Q. How far do you live from Fort Smith? A. About four miles west.
Q. That is known as the Fort Smith Bottom? A. Yes sir.
Q. To whom did you belong before the war? A. Ben Johnson.
Q. Where did Ben Johnson live? A. Just this side of the river, just this side of Fort Smith.
Q. Were you living there with him when the war came up? A. Yes sir.
Q. Do you know Millie and Gib White? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. Do you know their families? A. Yes sir.
Q. Do you know Jim White, the son of Gib White? A. Yes sir.
Q. Is he married? A. Yes sir.
Q. Do you know Harry White? A. Yes sir.
Q. Is he also a son of Millie and Gib White? A. Yes sir.
Q. Is Yancy Vincent a man of a family? A. Yes sir.
Q. How far do these people live from you --- do they live in the same neighborhood? A. Yes sir. Vincent lives about a half or three quarters of a mile from me.
Q. How far does White live from you? A. I think they call it about five miles.
Q. How long have you known Millie White and Yancy Vincent and their families? A. I have known Gib White ever since about '93 or '94.
Q. Do you know where he came from there? A. No sir, I don't know where he come from. He said he come from the states.
Q. When did you get acquainted first with Yancy Vincent? A. I guess it was about 1895.
Q. Do you know where he came from? A. He said the same thing --- that he come from the states.
Q. From what state? A. He said "down in the states".

Q. Did you ever know their mother? A. No sir.
Q. You never knew Charlotte? A. No sir.
Q. Did you ever know Willie before 1893 or 4? A. No sir.
Q. Did you ever know Yancy Vincent before 1895? A. No sir.
Q. Did they or their mother ever belong to Ben Johnson? A. No sir, not that I know of.
Q. Did you ever hear of Charlotte belonging to Ben Johnson?
A. No sir.
Q. Did you ever see either of them at Ben Johnson's place prior to the war? A. No sir.
Q. Did you ever hear of Ben Johnson hireing out a slave over in the state of Alabama? A. No sir.
Q. Did you ever hear of him hireing out Charlotte, the mother of Willie and Yancy, to a man named Curd Vincent in the state of Alabama? A. No sir.
Q. Did Ben Johnson own a slave at the beginning of the war by the name of Charlotte? A. No sir.
Q. Did he own one by the name of Yancy? A. No sir.
Q. Did he own one by the name of Willie? A. No sir.
Q. You never knew Gib White and his wife before 1893? A. No sir.
Q. And you never knew Yancy Vincent before 1895? A. No sir.
Q. Did you know all the colored people in the bend of the river?
A. Yes sir, I know all that live there.
Q. Prior to that time it was more or less thinly settled? A. Yes sir.
Q. You have lived there before the war and after the war continuously, all the time? A. Yes sir.
Q. And you never saw Willie White before 1893 and Yancy Vincent before 1895? A. No sir.
Q. What was your mother's name? A. Mary.
Q. Did your mother ever have a sister by the name of Charlotte?
A. I never heard of it.
Q. How old did you say you are? A. About 53.
Q. Do you remember your mother? A. Yes sir.
Q. Was she living when the war came up? A. Yes sir.
Q. When did she die? A. Since the war.
Q. Was she living at Ben Johnson's? A. Yes sir.

COMMISSION:

Q. You said you were the slave of Ben Johnson -- was he a Cherokee Indian? A. Yes sir.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. On the final roll? A. Yes sir.
Q. Have you filed? A. Yes sir.
Q. Got you deed yet? A. No sir.
Q. When did you file? A. I think it was somewhere along about the 24th or 25th. of August.
Q. How many slaves did Ben Johnson have when the war broke out?
A. I don't know how many.
Q. Have not you some idea how many? A. A. No sir.
Q. Did he have a large number or just a few? A. He had a large number.
Q. Did you know any of them personally? A. Yes sir, I knowed every darky he had.
Q. Do you know whether Johnson hired out any of them about the beginning of the war? A. No sir, he didn't that I know of

[illegible]

Q. [illegible] for sal that [illegible] name? A. [illegible] right across the river.
Q. Do you know [illegible] Thomas? A. Yes sir.
Q. What is her husband's name? A. Bill
Q. What is his mother's name? A. Bertie Foot, now.

WITNESS EXCUSED.

Sam White recalled.

Mr. Hastings:
Q. You were subpoenaed up here as a witness? A. Yes sir.

WITNESS EXCUSED.

Sam White, being duly sworn, testified as follows:

REAL & LOGGIN:

Q. What is your name? A. Sam White.
Q. How old are you? A. 78 last Saturday.
Q. Where did you live shortly before the outbreak of the war?
A. My home was in Newton County, Missouri, but I was living in Vail Bottom. I come there in 1844.
Q. Are you acquainted with Millie White? A. Yes sir, I have met her. She was a small girl though, when I saw her.
Q. Do you mean when you first saw her? A. Yes sir.
Q. Were you acquainted with her mother? A. Yes sir. I was very well acquainted with her mother
Q. What was her mother's name---who did her mother belong to?
A. Mr. Johnson.
Q. Did she belong to Mr. Johnson? A. She belonged to the Johnson family--she belonged to Mrs. Johnson.
Q. Were you acquainted with the mother of Millie White? A. Yes sir.
Q. When did you first know her? A. I think the first time I saw her was --- the first time that I remember of seeing her was in '55.
Q. What was Millie White's mother's name? A. Charlotte. I believe it was in '55 the first time I saw her.
Q. It was some time before the war? A. Yes sir. A good while before the war.
Q. At that time, you say she was the slave of the Johnsons? A. She belonged to the Johnson family, and I learned that she belonged to Mrs. Johnson.
Q. Do you know where she was at the outbreak of the war of the Rebellion? A. She was around home, I reckon.
Q. Do you know anything about the circumstances of her going to Arkansas? A. Yes sir.
Q. What do you know about it? A. I must tell you in my own way. Before the war you know they agrees that belonged to the different masters who could were permitted to preach to the

colored people. I was preaching to the colored people at Mr. Johnson's, in other words, I mean to say, that Mr. Johnson had me to preach to his slaves just before he was going away with some of them, he had me to go over and preach to the Starr negroes.

Q. Well, you went over there and preached? A. Yes sir, that was about the time she was going to leave to go to Alabama.

Q. If at that time you had any conversation with the master or mistress of of Charlotte about her removal to Alabama, tell me about it. A. I didn't have any conversation with Mr. Johnson about it at all. Mrs. Johnson said Charlotte was her favorite negro. She had come by her from her mother's estate and she didn't want to part with her. There was some sort of a debt that Mr. Johnson wanted Charlotte to go for so as to liquidate that debt. Mrs. Johnson wouldn't sign the bill of sale, so Mr. Johnson hired Charlotte to this man to liquidate the debt some way or other, and I was in there preaching and Mrs. Johnson wanted me to console Charlotte by letting her know that she would come back home again. So she went away under those circumstances, and that is all I heard Mrs. Johnson say about it.

Q. Did you see the man, Vincent, who was to take her away? A. I did not. Soon after that time these people got away to Alabama-- that is, I mean to say in other words, I was told that they went away to Alabama. I never saw Charlotte any more for several years.

Q. Did you see her any more before the war? A. No sir, I didn't.

Q. After the war when did you first see this woman---Millie White --- under what circumstances? A. The first time that I saw Millie after that was at Fort Gibson. I will have to tell it in my own way so you can get at it. I was detailed as a recruiting officer in the army, and there were a good many colored people at Fort Gibson, and I went down to their camp hunting up names, and I found Millie down there. To use her language, she told me she was just on her return to her home.

Q. Do you mean Millie, or the mother of this Millie? A. I do not mean Millie, but Charlotte Johnson.

Q. When was that? A. That was in '65 I think.

Q. Did you see --- you say you saw her in Fort Gibson in '65? Did you see her the next year? A. Yes sir. In '66 we organized a church down at what is commonly known as Jacktown.

Q. In the Cherokee Nation? A. Yes sir.

Q. Is Fort Gibson in the Cherokee Nation? A. Yes sir, I suppose so.

Q. About when did you organize that church? A. I think, as well as I can remember, that it was in August of '66.

Q. State whether or not at that time, as pastor of that church, Charlotte Johnson, the mother of Millie White, joined your church? A. She did.

Q. You think it was in August, '66? A. Yes sir, I think so.

Q. After that time how long did you know Millie? A. I didn't say Millie. I just preached there that year and until about the middle of '67, then I went to Pine Bluff.

Q. After then how long was it until you renewed your acquaintnace with Millie White---- I mean Charlotte Johnson?

A. Well, I don't know.

Q. Are you sure of the fact that this Millie White, the applicant herein, and the woman that came with you this morning, is the daughter of Charlotte Johnson? A. Yes sir.

Q. Are you acquainted with her brother, Yancy Vincent? A. Yes sir, I have been Yancy, but to say to know him I couldn't.
Q. Did Charlotte have any children when she came back after the war? A. Yes sir, she had a good sized little girl.
Q. Did she have any other children? A. She had a little boy with her, but he has grown out of my knowledge.
Q. You do not know whether that boy is Yancy Vincent or not?
A. I just know what they say about it.

Mr. Harrison:

Q. Where do these people live now? A. Down here in the Cherokee Nation somewhere.
Q. Have you been to their places? A. No sir.
Q. Did you ever see them living in the Cherokee Nation? A. Yes sir.
Q. When? A. Well, it has been --- I don't know exactly how many years ago. They used to live right above Mr. Stonecread's
Q. How long ago now? A. 8 or 10 years ago.
Q. Did you ever see any of these applicants living in the Cherokee Nation prior to 8 or 10 years ago? A. Yes sir, I saw their mother.
Q. Where? A. She lived there up above or up on Garrison Creek.
Q. When? A. They lived up there in '72 ---'71 or 2.
Q. Who lived up on Garrison's Creek? A. Millie White's mother
Q. Charlotte Johnson? A. Yes sir.
Q. How far is that from Fort Smith? A. It is about 7 or 8 or 10 miles.
Q. Was Millie White living with her mother then? A. I don't know whether she was living with her mother or not.
Q. What was Charlotte Johnson's husband named in '72? A. Well now, I don't know whether she had a husband or not.
Q. Were you at her house then? A. Yes sir.
Q. Where did she live in '72? A. I don't know if I could tell you exactly where she lived except you know where old man Jack Campbell lived? She lived about three miles from there.
Q. What direction? A. South or southeast.
Q. Was that down the creek? A. No sir, it was in this direction.
Q. That would have been on the south side of the river, wouldn't it? A. No sir, It was on the north side of the river.
Q. You do not know whether she had any family living there with her or not at that time? A. She had a boy there.
Q. What was his name? A. She called him Yancy.
Q. And you saw Yancy there living with her in '72? A. Yes sir
Q. When did you see her next after '72? A. Q. I didn't see her any more.
Q. When did you next see Millie White? A. I don't remember seeing her any more to know her until a few days ago.
Q. What kind of a house did they live in? A. A little log house. It was on a man's place by the name of McKibben. McKibben was running the farm.
Q. Did McKibben own the farm? A. I don't know whether he owned it or had it leased.

Q. How far was this cotton from the river? A. I expect it was a mile or two.
Q. Did you ever see this Charlotte in Pine Bluff? A. No sir
Q. Did you ever see Millie White there? A. No sir.
Q. Did you ever see Yancy there? A. No sir.
Q. Did you ever live in Pine Bluff? A. I have been there a while, but it was never my home.
Q. What was Ben Johnson's wife's name? A. I couldn't tell you.
Q. Did Ben Johnson have any children? A. Yes sir.
Q. What were their names? A. He had one son named Ben, and two more boys, but I couldn't call their names.
Q. What kind of a house did Ben Johnson live in? A. A double log house.
Q. Did this slave belong to Ben Johnson's wife? A. That is what I understood. That is what Mrs. Johnson told me.
Q. But you never saw her at Ben Johnson's home after '55? A. No sir.
Q. Did you know that she was living in Tuskumba, Alabama? A. No sir.
Q. Are you a Cherokee Freedman? A. No sir.
Q. How old was Millie in 1855? A. I do not know, sir.
Q. About how big was she-- was she born? A. Yes sir, she was born.
Q. How large was she? A. She was a small girl.
Q. How old was she? A. I couldn't tell you. To look at her, she looked like she was 6 or 7 years old.
Q. How old was Yancy in '55? A. I never saw Yancy---When I first saw him he was about 5 or 6 years old.
Q. Where were they when you first saw him? A. In a tent at Fort Gibson.
Q. Where were they? A. Down in what was known as the counter-bine camp.
Q. Was Millie married at that time? A. Not that I know of.
Q. Was her husband there? A. She wasn't married that I know of.
Q. How long were they there? A. Not long.
Q. One day? A. Longer that that.
Q. Was the war over? A. In '65? Yes sir.
Q. When did you see them next? A. In 72.
Q. Where did you see them then? A. They were down at the church --- I mean, that is to say, Charlotte was at church.
Q. You never saw Millie? Nor Yancy? A. I never saw Millie --- I had saw Yancy I reckon, but I never saw Millie from the time that she come down with her mother to church till I went to Pine Bluff and back.
Q. Did you see her in Pine Bluff? A. No sir.
Q. When did you come back from Pine Bluff? A. In '74.
Q. Then where did you see her in '74? A. In Jacktown.
Q. Was she living there? A. I dont know. She was there at church.
Q. Did you see her frequently after that? A. No sir, for I quit preaching there. The next time I saw her she was in Van Buren.
Q. Was she living there? A. No sir, she was on a visit.
Q. When you saw them up here at Fort Gibson, how did they say they ever got back from Alabama? A. They said that Mr. Vincent sent them back.
Q. Did Ben Johnson have any other slaves? A. Yes sir.

Q. Some some of them? A. Well, he had -- that is --- I mean to say that Mrs. Johnson had two more a once.
Q. What were their names? A. Mariah and Patience.
Q. Were they the only slaves about the place? A. They are all I see.
Q. Did Ben have any slaves? A. I don't know.
Q. Then you only saw Mariah, Patience and Charlotte there the last time? A. Yes sir.
Q. You preached there? A. Not at the house but came.
Q. You didn't see any other negroes? A. I saw some more, but I didn't know whether they belonged to Mr. Johnson or not.
Q. You do not know who they belonged to? A. No sir, all I know is what Mrs. Johnson told me.
Q. That was in '58? A. Yes sir. She told me just before they left home. That was in '58 I think, but I am not so sure about it.
Q. What year did you say it was? A. '54 or '55, just before the war commenced.
Q. How many years before the war? A. It must have been 10 or 11 years before the war.
Q. That is your best judgment? A. Yes sir.
Q. How many years after the war was it till you saw them back here again? What I want to learn is this---how long after the war was it that you saw Charlotte, Millie and Yancy? A. I saw them during the war.
Q. I want to know how long after the war? A. I saw them in '66---they were down here at Jacktown.
Q. What time in '66? Do you mean to swear on the stand that you know these people did belong to Ben Johnson's wife, and that you saw them here in the Cherokee Nation in '66? A. I mean to say that.
Q. You are a slave yourself? A. Yes sir.
Q. You are a preacher? A. Yes sir.
Q. When did you first see Millie White's husband? A. I don't know that I ever saw Millie White's husband.
Q. Has she got any children? A. Who?
Q. Millie White? A. I don't know.
Q. When did you first see Millie White after '66 in the Cherokee Nation? A. I saw her, as I remember, about the time that we were carrying on a revival at Jacktown, in August.
Q. Where did you next see her? A. I think I next saw her in Van Buren.
Q. Did you ever see any of her children? A. If I did I didn't know it.
Q. Did you ever see her husband? A. I do not know if I have ever saw her husband.
Q. Do you know her husband's name? A. No sir.
Q. Do you know where Yancy Vincent was married? A. No sir.
Q. You do not know that he was married in Alabama? A. No sir
Q. You didn't know that his wife died at Pine Bluff? A. No sir
Q. How long has Yancy been living in the Cherokee Nation? A. I don't know.
Q. When did you see him in his house in the Cherokee Nation? A. I never saw Yancy Vincent keeping house anywhere.
Q. Were you ever at Millie White's house? A. No sir.
Q. Where did Charlotte die? A. Up there in the Nation some where.
Q. On whose place? A. I don't know.
Q. Don't know that she died at Pine Bluff, Arkansas? A. No sir, I don't.

Q. Will you swear that she did not die on Blue Bluff, Witness?
A. I will swear that if she did I don't know it.
Q. Where did you ever see her living in the Cherokee Nation after the war? A. She was up here on Sarrison Creek.
Q. That is three miles southeast of the Jack Campbell place?
A. Yes sir.
Q. You do not know Mrs. Johnson's name? A. No sir.
Q. And you do not know any of the slaves except those you mentioned? A. No sir.
Q. Who was Charlotte Johnson living with when you saw her there?
A. I don't know who she was living with. She was living in a cabin there, and I came by and stopped. I was working at that time for Mr. McKibben.
Q. You did not see her children there? A. No sir, I just stopped there. I was working for Mr. McKibben.
Q. You didn't see any man about the place? A. I don't think I did.
Q. Did she die right there? A. I don't know.
Q. You do not know whether she had any husband or not? A. No sir.
Q. How old was this Charlotte Johnson when you saw her before the war? A. She was a grown woman.
Q. Do you think she was 20 years old? A. I suppose she was.
Q. What is your best judgment? A. I suppose her to be about 20 years old.
Q. Yancy was not born then? A. I reckon not.
Q. What is your post office address? A. Van Buren, Arkansas.

COMMISSION:

Q. You say you first saw Charlotte Johnson about the year '55?
A. Yes sir.
Q. When did you next see her? A. I saw her again ---the first time I saw her was in '55, and then I saw her again just about the time or a little before she left home.
Q. She left the Cherokee Nation about '55, didn't she? A. Yes sir.
Q. How soon after that did you see her? A. It was in --- it must have been '65.
Q. Where did you see her at that time? A. At Fort Gibson.
Q. When did you next see her? A. It was at Jacktown. I think it was probably in the same year or the year following---in '66.
Q. Where did you next see her? A. I saw her tolerably frequently then till I left there, and then I never have seen her any more.
Q. Do you know whether she is living or not? A. No sir.
Q. When was the first time you saw Millie White? A. I saw her with her mother in '55.
Q. And then they went to Alabama in that year, didn't they? A. That was my understanding.
Q. Then when did you next see Millie? A. With her mother at Fort Gibson.
Q. Then where next? A. With her mother at Jacktown in '65 or '66.
Q. When did you next see her? A. I saw her in Van Buren, I think it was in '67.

Q. Where did you see her after that? A. I have not seen Willie any more until here about, probably, a year ago.
Q. From 1867 up to 1906 you have never seen her again? A. No sir.
Q. Do you know whether this Willie White, that is an applicant here, is the same Willie that you knew in 1867? A. I don't know, only she claims she is the same Willie.
Q. You do not know whether she is the same one? A. I wouldn't swear that she was the same one, for she was a little girl the then.
Q. You saw her in 1867 in Van Buren, Arkansas, and then you never saw her again until 1904? A. Yes sir, that is correct
Q. You think you can not be mistaken about her being the same one? A. I do not say that I could not be mistaken.
Q. Do you know the name of the man to whom she was transferred in 1868? A. Yes sir, Mr. Vincent.
Q. What was his first name? A. I don't know his first name. I always heard them call him Mr. Vincent. I want to understand you--- did you say Willie or Willie's mother.
Q. I said Willie, but I meant her mother, Charlotte. You stated just now in your examination in chief that you opened a church in Fort Gibson in 1866? A. No sir, not in Fort Gibson.
Q. You stated that Willie joined the church? A. I said Willie's mother joined the church.
Q. Where? A. At Jacktown.
Q. Have you got any record of that at all? A. I think I have
Q. Have you a list of all of the communicants in the church at that time? A. I have the list of most of them.
Q. Have you it with you? A. No, part of it is at home, and part of it was destroyed by an overflow.
Q. Does the part that was destroyed refer to 1866? A. No sir. The roll have got descroyrd---the roll of membership.
Q. Then you have no record of it at all? A. Yes sir, I have a record of the organization.
Q. Have you a list of the members of the organization? A. I told you just now that that got destroyed by an overflow.
Q. When was the overflow? A. Last year.
Q. Did you have it in your possession last year? A. Yes sir.
Q. Do you know the names of all the members of your congregation at that time? A. No sir.
Q. How did you remember specially the name of Charlotte? A. It was because I had some talk with Charlotte.
Q. How many of the members of your congregation, at the time Charlotte joined the church, do you remember now? A. Jack Campbell, Jack Campbell's wife, Sarah, Millie Starr, George Benton, Martha Stell, Morgan Ellison, Isom Thomas, Bell Vaughn, and Mary Haney.
Q. How many were there in the congregation? A. 10 or 12.
Q. Are those people, whose names you mentioned, living? A. I do not think any of the Campbell family are living. I don't know whether any of the Starr negrees are living.
Q. Are any of those that you mentioned living? A. Yes sir.
Q. Who are they? A. Isom Thomas is living.
Q. Where is he living? A. At Newport, Arkansas.
Q. Is he a Cherokee Freedman? A. No sir I reckon not.
Q. All of those were members at the same time that Charlotte was?
A. Yes sir.
Q. That was in '66? A. Yes sir.

Q. Are you positive about that? A. Yes sir.
Q. Can you fix the month? A. I am not right positive, but I think it was the latter part of August or the first of September.
Q. At that time Charlotte was a member of your church? A. Yes sir.

MR. HASTINGS:

Q. Where was this church? A. At Jacktown.
Q. Where did they live? A. They lived about two or two and a half miles from the Stoneroad place.
Q. What direction? A. It was northwest from the Stoneroad place.
Q. On whose place did they live? A. Jack Campbell's place.
Q. I believe you have just answered the Commission that you never saw either Millie or Charlotte after 1867 until you saw Millie last year. That is the truth is it? A. I think it is. I do not remember seeing her since I saw her in Van Buren in '67.
Q. You testified awhile ago that you saw Charlotte in 1872, didn' you? A. I might have seen her then.
Q. But you told the Commission that you had not seen her since '67? A. I told him I didn't think I had.

COMMISSION:

Q. How old are you? A. I was 78 years old last Saturday.
Q. Can you read and write? A. Yes sir.
Q. Can you read and write well? A. Sufficient for the people to understand it.
Q. Can you write a letter? A. Yes sir.
Q. What is your business? A. Farming and preaching.
Q. How much farm have you? A. 40 acres.
Q. In cultivation? A. Yes sir.
Q. Does it belong to you? A. Yes sir.
Q. Do you remember any of the Johnsons having a slave by the name of Lewis? A. I do not know. He might have had.
Q. How many of the slaves of Ben Johnson did you know? A. Not any of them hardly. The only way that I knew any of the slaves of Mr. Johnson -----
Q. Do you remember a slave by the name of Lewis Johnson? A. I do not. I have heard of him, but I don't know him.
Q. Do you know that man (indicating Lewis Johnson)? A. I have saw him.
Q. Did you ever see him on Ben Johnson's place? A. I do not know that I ever have.

COMMISSION TO LEWIS JOHNSON:

Q. Do you remember that man? A. I have saw him, but I don't know him.
Q. Do you remember the time that Charlotte Johnson was sent to Alabama? A. No sir.

MR. HASTINGS TO LEWIS JOHNSON:

Q. Did this man ever preach on Ben Johnson's place or at Jacktown after the war? A. I don't know.

Q. [illegible] Charlotte Johnson. The mother of Willie White live there on Jack Jungle[illegible] a place after the war? A. I don't know. There was one Charlotte Johnson that belonged to Anderson Johnson, but she was a little girl.
Q. Was she a little girl after the war? A. She wasn't grown.
Q. What became of her? A. She is down there now.
Q. Is she living yet? A. Yes sir.
Q. Did she ever marry? A. Yes sir.
Q. What was her husband's name? A. She was married to a man by the name of Burden.
Q. Was there any Charlotte Johnson who was a slave before the war, and who was grown, who lived in that country at all? A. Not that I know of.
Q. Could there have been a slave of Ben Johnson by the name of Charlotte and you not know her? A. I think not.
Q. Where did Ben Johnson live? A. In Sequoyah District, this side of Fort Smith.
Q. Did Ben Johnson or his wife own a slave by the name of Charlotte when the war came up? A. I never knew it.
Q. Did you ever hear of them hiring out a slave to a man by the name of Vincent, in Alabama?
(Neal & London, object to the question, because it is hearsay testimony)
(Objection noted)
A. No sir.

Neal & London, not being present when Lewis Johnson was first examined, heard his testimony read, and now cross examines him.

NEAL & LONDON:

Q. Was Ben Johnson a Cherokee? A. No sir, he was a white man and his wife a Cherokee.
Q. What was her name? A They called her Annie.
Q. You say you never knew Charlotte Johnson, the slave of Annie Johnson? A. No sir.
Q. Were you a house servant or a field nigger? A. I worked around the house.
Q. How old were you? A. I don't know exactly how old I was.
Q. You are 53 now? A. Somewhere along about that.
Q. You would be 9 years old when the war broke out, wouldn't you? Just a little boy like that (measures as high as the table)? A. I was bigger than that.
Q. You said you are 53, and that would make you only 9 years old then. Do you mean to testify that you knew all of Johnson's niggers, both the house servants and the field hands? How many did he have? A. Yes sir, I knew them all, but I couldn't tell you how many there were. I couldn't count them.
Q. You mean to say that at 9 years of age --- could you read and write at that time? A. No sir.
Q. Can you read and write now? A. No sir.
Q. You mean to say that at that time you knew all of those darkies,
A. Yes sir.
Q. You say you never heard of a slave belonging to Annie Johnson named Charlotte? A. Yes sir.
Q. Who was this little girl named Charlotte Johnson? A. That was Anderson Johnson's slave.

Q. In 1861 --- six years before the war broke out --- when you were three years old--- do you know whether or not Ben Johnson and Annie Johnson hired, to a man by the name of Vincent, a slave by the name of Charlotte? A. In 1861?
Q. Yes, just 4 or 5 years before the war? A. He never hired nobody.
Q. You are certain of that, are you? A. Yes sir.
Q. You know that if he had hired one out at that time you would have known it? A. Yes sir.
Q. Can you tell us of something that happened when you were 3 years old? A. I don't know just how old I was.
Q. Tell us something that happened when you were three years old
A. I said I was somewhere about 5 years old, I don't know exactly how old I am. I am just about like I told you.
Q. Then, at three years of age you are willing to testify that Ben and Annie Johnson did not hire a slave by the name of Charlotte to a man by the name of Vincent? A. I didn't say I was three years old.
Q. You mean to say that if they had a slave by the name of Charlotte that they hired to a man by the name of Vincent, you do not know it---that it was before you could remember?
A. I mean to say that Johnson didn't hire any slave by that name since I can remember.
Q. About how old can you first remember to have known things?
A. I can remember before the war.
Q. You remember that you went south, that you got ready to go; and that you were delayed about a month before starting--- you remember that it was a week or ten days, or maybe a month before you got started? A. I couldn't remember just how long it was, but I remember fixing.
Q. Don't you remember that they waited two or three months to hear from Alabama--- to get this Charlotte back? A. No sir, I don't remember anything like it.
Q. You do remember, though, when you were three years old, that there was no slave by the name of Charlotte? A. I didn't say I was three years old. I don't know just how old I was. I was a pretty good size boy.
Q. Are you an applicant for enrollment? A. I am enrolled.
Q. You do not know the names of any of the slaves that belonged to your former master---You do not remember Charlotte Johnson?

(Mr. Hastings--- I am going to interfere with your asking a double cross question. Ask them one at a time and have them answered.) A. Mr. Neal---I am just giving you some of your own medicine)

Q. You do not remember the names of any of the slaves that belonged to your former master? A. Yes sir.
Q. Well name one or two of them? A. Mose Johnson, Aaron Johnson.
Q. You mean to testify with reference to Charlotte that you do not remember a slave of that name that belonged to your master?
A. Not since I can remember.
Q. You do not remember what happened before you can remember? A Not before I was born.
Q. Could you remember a thing that happened when you were 3 or 4 or 5 years old? A. Yes sir, I can remember when I was 5 years old, I am satisfied.

Examination.

Q. Were you born the slave of Tom Vincent? A. Yes sir.
Q. Do you know whether they gave you a slave by the name of Charlotte? A. I do not know.
Q. In further your recollection goes, did they have one of that name? A. No sir.
Q. You do not know just how old you are? A. Not exactly.
Q. You are somewhere between 5 and 6? A. Yes sir, somewhere along there.

Mr. Hall:

Q. You say that this Sam White did not organize a church of Jackson? A. I told you that he didn't as I know of.
Q. You do not mean to say that there was no church organized, but that you didn't know of it? A. Yes sir.

WITNESS RECROSSED.

Sam White recalled for cross examination by Mr. A. London.

Q. Did you know Millie White's mother? A. Yes sir.
Q. What was her name? A. Charlotte Vincent.
Q. Did you know Millie and her mother before the war? A. I was small in the time of the war.
Q. You remember them directly after the surrender? A. Yes sir.
Q. How long after the surrender? A. Maybe a couple of years after the surrender I moved down into the valley and I found them down there.
Q. You say there were about two years after the war that you do not know where they were -- whether they were there or not. That would be the latter part of '65 or '66? A. Yes sir. In '66 and '67 I went up on the Tennessee River.
Q. In '70 and '71 you were about how old? A. We had no learning, you know, but I think I was about 13 years old.
Q. You say about two years after the war you moved down into the Valley? A. Yes sir. In passing back and forwards, being sent by my owners, I would see them.
Q. When the war broke out you were about three years old, were you not -- you said awhile ago you was 4? A. Yes sir.
Q. When you moved down into the valley, and remember these darkies, you must have been about 7 or 8 years old? A. About 7 I think.
Q. You have known these darkies well since that time have you?
A. Yes sir.
Q. Yancy, and his mother and sister, Millie White? A. Yes sir.
Q. Do you remember this ---let me see if you remember anything about the real facts in the case. Do you remember a nigger named Gib White? A. Yes sir.
Q. Gib was Millie White's husband? A. Yes sir.
Q. Gib White, in about 1869 or '70 -- something about that, don't you know that Gib White came to the Territory and married Millie and took her back to Alabama, and that is where you saw them, and then you came out here with them? A. They had great big children in 1881.

MR. HASTINGS:

Q. Where did Charlotte Vincent die? A. She died down in Jefferson County, Arkansas, near Pine Bluff.
Q. You have known her and Millie White ever since you have known anybody? A. Yes sir.
Q. And you knew her up to the time of her death? A. Yes sir.
Q. You say Gib and Millie White were married in Alabama? A. Yes sir.
Q. And their children were born in Alabama? A. Excusing the one that was born in Arkansas. Jim, Harry, Hattie, Annie Viola, and then there was another one, I didn't know her name.
Q. Where was Yancy married? A. He first married in Alabama.
Q. Where did his first wife die? A. In Jefferson County, Arkansas, near Wabeska.
Q. Did he marry then the second time? A. Yes sir.
Q. And you came here in '93? A. Yes sir.

WITNESS EXCUSED.

Frank M. Morgan, being duly sworn, testified as follows:

NEAL & LONDON:

Q. What is your name? A. Frank M. Morgan?
Q. What is your post office address? A. Fort Smith, Arkansas.
Q. Do you know the applicants, Millie White and Yancy Vincent and their descendants? A. Yes sir, I know the most of them.
Q. Did any of them at any time live upon your property? A. Yes sir.
Q. In the Cherokee Nation? A. Yes sir.
Q. When was that and who were they? A. Yancy Vincent rented a piece of land on my place in 1896, and old Gib White and Aunt Millie lived there in 1897 or '98---maybe it was '99.
Q. Did you know any of them prior to that time? A. I knew Gib White when he come into the Nation. He stopped there on Dr. Bell's place, adjoining mine.
Q. What year? A. In '94 or '95.
Q. Did you ever know any of these applicants prior to 1890?
A. No sir.
Q. You are a Cherokee by blood? A. Yes sir.
Q. You are on the final roll? A. Yes sir.
Q. Do you live in the Cherokee Nation? A. I live in Fort Smith, and farm in the Cherokee Nation.

MR. HASTINGS:

Q. How long have you lived in that vicinity? A. Since 1887.
Q. You are well acquainted there? A. Yes sir.
Q. Own a farm in Fort Smith bottom? A. Yes sir.
Q. Never knew any of them prior to 1893? A. No sir.
Q. Do you know where they came from there? A. They said they came from Arkansas. Vincent said he had been making shingles down in Arkansas.

Q. They brought their families with them there? A. Yes sir.
Q. Never been there before 1893? A. No sir.
Q. Did they claim to be citizens? A. They didn't claim it to me. I did not know it until a few years ago I heard they were trying to get on the Freedman roll.

MR. WEAL:

Q. You did not know them until along about 1894 to 1896? A. No sir.
Q. Sib White is not an applicant for citizenship? A. No, but his wife is.
Q. What did you say about seeing them about 1894? A. They were on Dr. Bell's place then.
Q. You live in Fort Smith? A. Yes sir.

WITNESS EXCUSED.

CASE CLOSED.

10 days will be allowed the attorneys for filing briefs in this case.

Eula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 6th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Eula Jeanes Branson.

Subscribed and sworn to before me this the 11th. day of March, 1905.

(Signed) Myron White
Notary Public.

(SEAL)

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18th day of March 1905.

Myron White
Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Millie White, et al., as Cherokee freedmen, consolidating the applications of:

Millie White, et al.,	Cherokee Freedmen R 317
Annie Thomas,	Cherokee Freedmen R 63
Jim H. White, et al.,	Cherokee Freedmen R 320
Harry White,	Cherokee Freedmen R 321
Yancy Vinson et al.,	Cherokee Freedmen D 1088.

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D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Millie White for herself and minor child, Viola White, by Willie Thomas for his wife, Annie Thomas; by Jim H. White for himself and minor children, Samantha, Birdie, and Etta White, and for his wife, Sarah White, by intermarriage; by Harry White for himself; and by Yancy Vinson for himself and minor children, Elijah, Tilda, Orra, Colwest and Pink Vinson. Subsequent thereto an affidavit showing the birth, on January 17, 1902, of Essie Vinson, child of Yancy Vinson, was filed herewith and made a part of the record herein. Application was originally made for the enrollment of the said Annie Thomas as a citizen of the Cherokee Nation by intermarriage, but as any rights said applicant might possess by virtue of her marriage to a Cherokee freedman have been heretofore disposed of, only her rights as a Cherokee freedman will be considered in this decision.

The evidence in this case shows that one Charlotte Johnson, deceased, was the mother of the applicants, Millie White and Yancy Vinson; and that the said Millie White was born prior to the commencement of, and the said Yancy Vinson was born during, the rebellion, but after ample opportunity afforded, it is not

established by satisfactory evidence that either the said Charlotte Johnson, deceased, nor the applicant, Millie White, was the slave of a Cherokee citizen at the commencement of the rebellion.

The evidence in this case further shows that during said rebellion said applicants, Millie White and Nancy Vinson, together with their said mother, Charlotte Johnson, deceased, lived in the state of Alabama, and that, after the close of the rebellion, neither the said applicants nor their said mother removed to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Mose Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

The evidence further shows that the applicants, Viola White, Annie Thomas, Jim H. White and Harry White, are children of the applicant, Millie White, were born since the commencement of the rebellion and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Elijah, Tilda, Orra, Colwest, Pink and Essie Vinson, are children of the applicant, Nancy Vinson, were born since 1860, and it is not established that they possess any rights to enrollment other than as descendants of their said father; and that the applicants, Samantha, Birdie and Etta White, are children of the applicant, Jim H. White, were born since 1860, and possess no rights to enrollment other than as descendants of their said father. The applicant, Sarah White, neither possesses nor claims rights to enrollment as a Cherokee freedman other than such as she may obtain by virtue of her marriage to the applicant, Jim H. White. None of the applicants herein can be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Millie White, Viola White, Annie Thomas, Jim H. White, Samantha White, Birdie White, Etta White, Harry White, Nancy Vinson, Elijah Vinson, Tilda Vinson, Orra Vinson, Colwest Vinson, Pink Vinson and Essie Vinson, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that, following the ruling of the Department in the case of Lemuel Welcome (I.T.D. 5845-11776-04), Sarah White is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and that her application for enrollment as such, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman

(SIGNED) T. B. Needles.
Commissioner

(SIGNED) C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,

APR 24 1905

C.F.R. 520

COPY

CHEROKEE FOREMAN

IN RE

Application for Enrollment of

INFANT CHILD

Nettie White

as a citizen of

Cherokee Nation

Approved Aug 3 1904 190

T. B Needles

Commissioner

FILED

Aug 3 1904

COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT as a citizen of the CHEROKEE Nation

of Ettie White Born on the 13 day of October 1901

Name of Father Jim H. White a citizen of the Cherokee Nation

Name of Mother Sarah White a citizen of the Cherokee Nation

Post Office Vinita, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Sarah White on oath state that I am Thirty years of age and a citizen Freedman of the Cherokee Nation, that I am the lawful wife of Jim H. White, who is a citizen by Freedman of the Cherokee Nation; that a Female child was born to me on 13 day of October, 1901, that said child has been named Ettie White, and is now living.

Sarah White

WITNESSES TO MARK:

(Name in Full Witnesses)

Subscribed and sworn to before me this 30 day of July, 190 4.

(S E A L)
My commission expires
March 10 1907

H. H. Richardson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Millie White, a midwife, on oath state that I attended on Mrs. Sarah White, wife of Jim H. White on the 13 day of october, 1901; that there was born to her on said date a female child; that said child is now living and is said to have been named Ettie White

her
Millie X White
mark

WITNESSES TO MARK:

(Name in Full Witnesses)
H. H. Richardson
[illegible] White

Subscribed and sworn to before me this 30 day of July, 190 4.
(Seal)
My commission expires
March 10 1907

H. H. Richardson
Notary Public.

T.P.T. [illegible]

[illegible]

IN RE

Application for Enrollment of

INFANT CHILD

Myrtle White

as a citizen of

Cherokee Nation

Approved Aug 3 1904 [illegible]

T. B. Needles

[illegible]

FILED
Aug. 3 1904

COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] APPLICATION FOR ENROLLMENT as a citizen of the CHEROKEE Nation

of Dirty White born on the 22 day of March 1897

Name of Father Jim H. White a citizen of the Cherokee Nation

Name of Mother Sarah White a citizen of the Cherokee Nation

Post Office Bangs, Ind. Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern Judicial DISTRICT.

I, Sarah White on oath state that I am (30) thirty years of age and a citizen by Freedman of the Cherokee Nation; that I am the lawful wife of Jim H. White who is a citizen, by Freedman of the Cherokee Nation, that a Female (Male or Female) child was born to me on 22 day of March, 1897, that said child has been named Byrdie White, and is now living.

Sarah White

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 30 day of July, 190 4.
My commissio expices March 10 1907

H. H. Richardson (SEAL)
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern Judicial DISTRICT.

I, Millie White, a midwife, on oath state that I attended on Mrs. Sarah White, wife of Jim H. White on the 22 day of March, 1897; that there was born to her on said date a female (Male or Female) child; that said child is now living and is said to have been named Byrdie White

Millie her X mark White

WITNESSES TO MARK:

(Must be Two Witnesses)
H. H. Richardson
Gib White

Subscribed and sworn to before me this 30 day of July, 190 904
(SEAL)

My commission expires
March 10 1907

H.H. Richardson
Notary Public.

[illegible]

IN RE

Application for Enrollment of

INFANT CHILD

Samantha Wills

on a Minor of

Intermarriage	Name
[illegible]	

[illegible] Aug 3 1904 [illegible]

J. B. Needles [illegible]

F I L E D

AUG 3 1904.

COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

APPLICATION FOR ENROLLMENT as a citizen of the CHEROKEE Nation.

Name of Child: Samantha White born on the 20 day of February, 1898.

Name of Father: Jim White a citizen of the Cherokee Nation.

Name of Mother: Sarah White a citizen of the Cherokee Nation.

Post Office: Bunge, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Sarah White, on oath state that I am Thirty years of age and a citizen by Freedman of the Cherokee Nation; that I am the lawful wife of Jim H. White who is a citizen, by Freedman of the Cherokee Nation, that a Female (Male or Female) child was born to me on 20 day of February, 1898 that said child has been named Samantha White, and is now living.

Witnesses to Mark: Sarah White (SEAL)

(Must be Two Witnesses)

Subscribed and sworn to before me this 30 day of July, 190 4.
(S E A L)
My commission expires
March 10 1907

H. H. Richardson
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Millie White, a midwife, on oath state that I attended on Mrs. Sarah White, wife of Jim H. White on the 20 day of February, 1898; that there was born to her on said date a Female (Male or Female) child; that said child is now living and is said to have been named Samantha Alice

Witnesses to Mark: her Millie X White mark

(Must be Two Witnesses) H. H. Richardson
Gib White

Subscribed and sworn to before me this 30 day of July, 190 4.
(S E A L)
My commission expires
March 10 1907

H. H. Richardson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 30 1902

Muskogee 15

CHEROKEE FREEDMEN.

Date January 30
Place Vogel, Arkansas
County Sequoyah

1. Name Jim A White Age 24
Owner's name
Year Page No. District
Parents
Father Sat A White Citizenship Cher Fr
Mother Millie A White Citizenship
2. Name of wife Sarah A White Age 23
Owner's name Citizenship
Year Page No. District
Parents
Father Citizenship
Mother Citizenship

Sarah A White

Names of children

3. Samantha A White } Year Page No. Dist. 5
4. Birdie " Year Page No. Dist. 3
5. Etta " Year Page No. Dist. 2
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12 Year Page No. Dist.

Application made by No 1 Stenographer M. D. Green

M. D. Green

Card

— not on any roll

Cherokee Freedmen

R-320

Muskogee, Indian Territory, July 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Jim M. White for the enrollment of himself, wife, and three minor children as Cherokee freedmen, No R-320, (old No. Memo.13), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of the applicant since birth.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

Enrl

Muskogee, Indian Territory, July 6, 1906.

Ella E. White,

Dora, Arkansas.

Dear Madam:

In the matter of your application for the enrollment of yourself, wife and three children as Cherokee freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to your residence since birth. It will also be necessary that you furnish the Commission with affidavits as to the birth of your minor children, Samantha, Birnie and Ella White.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 23, 1906, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 3 B. A.

Cherokee Freedmen

Smith, et al.

Muskogee, Indian Territory, February 10, 1908.

Neal A London,

Attorneys for Willie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of February 7, transmitting motion to introduce further testimony in the matter of the applications for the enrollment of Willie White, et al., Jim N. White, et al., Harry White and Yancy Vinson, et al., as Cherokee freedmen.

In reply you are advised that the applicants will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 6, 1908, and introduce further testimony in the matter of said applications. You are further advised that the representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting the rights to enrollment of the said applicants.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Cherokee Freedmen

Smith, et al.

Muskogee, Indian Territory, February 15, 1905.

Mess. Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that upon motion of Veal & London, Fort Smith, Arkansas, the applications for the enrollment of Willie White, et al., Jim H. White, et al., Marr, White and Nancy Vinson, et al., as Cherokee freedmen, will be taken up for further hearing by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 6, 1905.

On said date you may, if you desire, appear before the Commission when an opportunity will be given you to introduce any additional testimony affecting said applications which you may think proper or necessary.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

C. C.

Cherokee Freedmen

S-139.

Muskogee, Indian Territory, April 24, 1906.

Jim W. White,

Bonge, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1906, rejecting, among others, the application for the enrollment of yourself and your minor children, Samantha, Birdie and Etta White, as Cherokee freedmen, and the application for the enrollment of your wife, Sarah White, as a Cherokee citizen by intermarriage. There has heretofore been furnished your attorneys, Neal & London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED): Tams Bixby

Chairman.

Incl. S-89
Register

Cherokee Freedmen

Dockt, et al.

Muskogee, Indian Territory, April 24, 1908.

Neal & London,

Attorneys for Willie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-63
Register

47.

Cherokee Freedmen

Ex-812, et al.

Muskogee, Indian Territory, April 24, 1906.

Hall, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1906, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. 5-64

Cherokee Freedmen
S-[illegible], et al.

Muskogee, Indian Territory, April 24, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Willie White, et al., including the Commission's decision dated April 24, 1906, rejecting the applications for the enrollment of Willie, Viola, Jim H., Samantha, Birdie, Rita and Harry White, Yancy, Elijah, Tilda, Erra, Calvert, Pink and Essie Vinson and Annie Thomas as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

Respectfully,

HONEIDA Tams Bixby
Chairman.

Incl. S-65

Through the

Commissioner of Indian Affairs.

[illegible]

Refer to report to
the following
[illegible],

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
Washington, May 9, [illegible].

The Secretary,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 24, [illegible], transmitting the record in the application for enrollment as Freedmen by Millie White for herself and her minor child, Viola White, by Willie Thomas for his wife, Annie Thomas, by Jim H. White for himself and his minor children, Samantha, Tirdie and Etta White, and for his wife, Sarah White, by intermarriage, by Harry White for himself, and by Yancy Vinson for himself and his minor children, Elijah, Tilia, Orra, Colwest, Pink and Essie Vinson.

April 24, 1905, the Commission decided adversely to all the applicants.

The record shows that Charlotte Johnson, deceased, was the mother of the applicants, Millie White and Yancy Vinson; that Millie White was born prior to the beginning of, and Yancy Vinson was born during, the war of the rebellion, but after ample opportunity it has not been established that the said Charlotte Johnson deceased, nor the applicants, Millie White and Yancy Vinson were

slaves of a Cherokee citizen at the beginning of the war that they lived in the State of Alabama during that period and that they did not remove to the Cherokee Nation as of before February 11, 1867.

The record further shows that the applicants, Annie Thomas, Viola , Jim K., and Mary White are children of Nillie White, born since the beginning of the war and possess no rights to enrollment other than as descendants of their mother; that the applicants, Elijah, Tilda, Orra, Colwest, Jim and Essie Vinson are children of Yancy Vinson born since 1880, and it is not established that they possess any rights to enrollment other than as descendants of their father; that the applicants Samantha, Birdie and Ytta White are children of Jim M. White born since 1880, and posse s no rights to enrollment other than as descendants of their father. Sarah White neither possesses nor claims rights to enrollment as a Cherokee Freedman other than by marriage to Jim M. White.

None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

C. F. Larrabee

Acting Commissioner

MMM

W

(C O P Y)

Refer in reply
to the following
Land Division.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Washington, May 16, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office letter of May 9, 1908 (Land 37738-1908), there is inclosed a communication from Messrs. Neal and London, attorneys at law, Fort Smith, Arkansas, transmitting a bill of exceptions with proof of service in the matter of the application for enrollment as Cherokee Freedmen by Millie White et al.

The record was forwarded to the Department May 9, 1908.

Very respectfully

C. F. Larrabee
Acting Commissioner

MDM

W

[illegible]

[illegible]

[illegible]

L.R.S. DEPARTMENT OF THE INTERIOR.

Washington, September [illegible], 1905.

Commissioner to the Five Civilized Tribes.

Sir:

April 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case involving the applications for the enrollment of Annie White, Viola White, Jim T. White, Samantha White, Birtie White, Atta and Harry White, Yancy Vinson, Elijah Vinson, Tilla Vinson, Orra Vinson, Colwest Vinson, Pink Vinson and Essie Vinson and Annie Thomas as Cherokee Freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, including the Commission's decision of the same date, which was adverse to all the applicants.

Reporting May 9, 1905, the Indian Office recommended that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully

(Signed) Thos. Ryan

Acting Secretary

1 inclosure

Cherokee Freedmen

R-617, et al.

Muskogee, Indian Territory, October 6, 1906.

Pell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-66

Cherokee Freedmen

R-847, et al.

Muskogee, Indian Territory, October 6, 1908.

Neal & London,

Attorneys for Willie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1908.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-65

Commissioner.

Cherokee Freedmen

Enrl.

Muskogee, Indian Territory, October 6, 1908.

Jim H. White,

Ronge, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting, among others, your application for the enrollment of yourself and minor children as Cherokee freedmen, and for the enrollment of your wife, Sarah White, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 27, 1908.

Respectfully,

Tams Bixby

Commissioner.

LS

Char. Fr. R. 321

Trans. from Char. Fr. Memo 14

See Char. R. 320-319

Char. Fr. R. 321

Department of the Interior,

Commission to the Five Civilized Tribes.
Vinita, I. T. October 24th 1901.

In the matter of the application of Tenny Vincent for the enrollment of himself and five children as Cherokee freedmen. He being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of himself:

Q What is your name? A Tenny Vincent.
Q How old are you? A 38
Q What is your postoffice address? A Bunge
Q In what district do your live ? A Sequoyah
Q Do you want to make application for enrollment as a Cherokee freedman ? A Yes sir.
Q Who else do you make application for besides yourself? A My wife and five children.
Q What is your wife's name? A Lizzie.
Q How old is she? A 28
Q What are the names of your children? A Elijah.
Q How old? A 15.
Q Next? A Linda
Q How old A 13
Q Next? A Orra.
Q How old? A 8.
Q Next? A Colvest.
Q How old? A 6.
Q Next? A Pink.
Q How old 3
Q Are these children all living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a freedman? A No sir.
Q Is your name on any of the rolls? A No sir.
Q Is your wife's name on any of the rolls? A No sir.
Q Did you ever draw money from the Cherokee Nation? A No sir.
Q What is your father's name? A I don't know.
Q What is your mother's name? A Charlotte
Q Is she living? A No sir.
Q How long has she been dead? A Ever since '70
Q Is your wife's father living? A No sir.
Q Do you know his name? A No sir
Q What is her mother's name? A I don't know.
Q Is she living? A No sir
Q Where were you born? A In Alabama.
Q Were you a slave? A Yes sir I guess so.
By Hastings)
Q Do you claim citizenship through your own right or through your wife? A Through me.
Q You were born in Alabama? A Yes sir.
Q 38 years old? A Yes sir.
Q You were born then in '63? A Yes sir I guess so.
Q Your wife then don't claim citizenship only through you? A I married her, she was carried out of Flint district and she don't make any claim at all, she dont know her people.
Q Did you make application to the Kern-Clifton Commission five years ago? A I was there but my witnesses didn't come
Q Did you put in your application there? A No sir.
Q What point were you at before the Commission? A I was at Salisaw
Q Wasn't Joe Bruner there? A No sir.
Q Wasn't Jerry Vann there? A No sir.
Q Wasn't Chalrey Chambers there? A No sir.

Q Weren't they all there at Fort Gibson? A No sir and when I got there you had your twenty-five cents to move out and they left there after that
Q Then you never got any application in? A No sir.
Q How old were you when you came to the Cherokee Nation A I was a little bit of a fellow I guess.
Q Can you remember about it? A I remember coming here.
Q Then you ought to remember about how old you were when you came here? A About 6 or 7 years old.
Q Did you come on the train? A No sir, we came first to Mississippi and then they brought me by way of Tennessee; my mother was hunting her old home.
Q When did you come here? A In '66 from Kansas
Q Was that the first time you were ever here? A Yes sir
Q I thought you said you were 6 or 7 years old when you came here
A Yes sir, when I came from Kansas.
Q Can you remember anything about coming from Kansas- any of the incidents along the way? A No sir.
Q Do you remember who came with you? A My mother
Q Who else? A I don't know nobody else.
Q Did you have any other members of your family there? A A At that time?
Q Yes, any brothers or sisters? A One sister.
Q What is her name? A Willie Johnson, then.
Q What is her name now? A White.
Q She lives in Sequoyah? A Yes sir.
Q Where were you in the Cherokee nation when you were first old enough to remember? A Fort Gibson.
Q When was the first time you ever saw Joe Bruner? A In Kansas
Q You saw him in Kansas? A Yes sir, the old lady said he was there, I cant recollect.
Q When did you next see him in the Cherokee Nation? A In Sequoyah
Q How old were you then? A Pretty good chunk of boy then
Q 10 or 12 years old? A Yes sir.
Q When did you first see Jerry Vann? In Sequoyah when I was a good chunk of a boy.
Q When you were about 10 or 12 years old? A Yes sir.
Q When did you first see Charley Chambers? A In Fort Gibson
Q How long had you been there before you saw him? A I saw him there all the while.
Q When did your mother die? A In '70
Q Where? A Choctaw Nation
Q How long did you live in the Cherokee nation, in Fort Gibson after you came there after the war? A We came in '66.
Q How do you know it was '66? A My mother said it was and we left there in '68; we was hunting her sister and we went to the Choctaw Nation and she died there and she left me with my aunt - and I run off and came back here.
Q When did you come back here? A In '73
Q Was it after you come back that you saw Joe Bruner and Jerry Vann
A Yes sir.
Q Did you see Charley Chambers before that? A Yes sir in Fort Gibson.
Q Where have you been living for the past twenty-five years?
A First here and then in the Choctaw Nation.
Q When you come back here in '73 where did you come to? A I was with Sandy Williams.
Q Where did he live? A Below Old man Tom Smith's
Q Was that in Little River County, Arkansas? A No sir in the Nation.
Q What part of the Nation? A Cherokee, near Cherokee, near the Arkansas line.
Q Who was keeping a store in Cherokee then? A None there at all.

Q How far from Cherokee did that you lived? A Mile.
Q North or south? A South.
Q Was the railroad there then? A Came there.
Q How long did you live there? A I never lived there, just stopped there a while, and then would go to town.
Q Do Dave Smith? A A Yes sir and then went up here.
Q Where were you married? A I was married down in Arkansas.
Q What place in Arkansas? A Place called Tahlequah [Spelled from the second interval by witness which was very indistinct.]
Q When were you married? A I was married this last time in '8
Q Where was Elias born? A In the Cherokee Nation.
Q Where was Wilds born? A Same place.
Q Where was Orra born? A Here in Sequoyah district.
Q Where was the next one born? A He was born there.
Q The next one? A He ever been there.
Q How long after Orra was born did you come to the Cherokee Nation?
A I was here.
Q I mean before he was born? A 3 or 4 months, I was here and then my wife come.
Q What is your post office? A Sango.
Q How long has it been your post office? A For the last 8 or 10 years
Q And that is all the time that you have lived in this country isn't it? A I have been here before that.
Q When we were at Fort Gibson for the second trip, last month why didn't you put in your application? A My witnesses wasn't there.
(By the Commission)
Q Was your mother a slave? A Yes sir.
Q Who did she belong to? A Ben Johnson, she said.
Q What was her name? A Charlotte Johnson.
Q Do you know anything about her being taken out of the Cherokee Nation during the war? A No sir.

CHARLEY CHAMBERS being first duly sworn by Commissioner T.B. Needles, testified as follows for the applicant:

Q What is your name A Charley Chambers.
Q How old are you? A 70.
Q What is your post office address? A Hudson.
Q Do you know the applicant, Yancy Vincent? A Yes sir.
Q How long have you known him? A Ever since about '66.
Q You first knew him in '66 did you? A Yes sir.
Q Where? A Fort Gibson.
Q Did you know his mother? A Yes sir.
Q What was her name? A Charlott.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Ben Johnson.
Q Was he a Cherokee citizen? A Yes sir.
Q When did you first see his mother? A That was where I saw her, in '66 when I came from Fort Smith to Tanlequah, and she was inquiring of me of Ben Johnson, that is all I know about it.
Q Did you know her before the war? A No sir.
Q Just knew her then? A Yes sir.
Q How do you know she was a slave of Ben Johnson then? A She told me she was .
Q Is she living? I dont know for certain, I dont think so.
Q When did she die? A I dont know.
Q Have you known this applicant ever since '66? A Yes sir I I have seen him often and on in the Cherokee Nation ever since.
Q Do you know his children? A No sir.
(By Hastings)
Q Do you know where his mother died? A No sir.
Q Do you know where this man was married? A No sir.
Q Didn't you marry him? A No sir.
Q Wasn't he married in your house? A No sir
Q Do you know his wife? A No sir.
Q Ever see her? A Not to know of.

Q What time of the year was it you saw this fellow Blowey? A I saw him with the mother.
Q Say was Alex with them? A No sir she was going on her way and I was going on my way and met her in the street.
Q And that was the first time you ever saw her? A Yes sir.

Q Did she have any other children with her besides this boy?
A If she did I dont know it.
Q Never had them with her? A No sir.
Q How long did you see her about Fort Gibson there? A Once after that.
Q How long after that? A 2 or 3 weeks.
Q Did you ever see her after that? A No sir, but I saw the boy.
Q You dont know where she died? A No sir.
Q And you come here and tell that you met a stranger for the first time in the street 36 years or more ago and you can remember that this man here is the boy she had with her then? A I remember it and I remember the boy all right.
Q How old was the boy then? A 7, 8 or 9 years old.
Q Able to get along? A Yes sir.
Q What time of the year was that that you saw them? A In the fall
Q In the fall? A Yes sir.
Q Where did you next see the boy? A Next I seed him I seed him there on Four Mile Branch.
Q Who was he living with there? A Just saw a lot of boys there together.
Q When was that? A That was the next year after I seed him with his mother.
Q Was his mother dead then? A I never asked him.
Q He was a good big b y then was he? A Yes sir a good big boy.
Q 7 or 18 years old? A Somewhere there, 8 or 9.
Q You feel positive about that do you? A Yes sir; I know I am positive about that.
Q Where did you next see him? A Up here on the Virdigris river.
Q When was that? A That has been 7 or 8 years ago.
Q He wasn't married then was he? A I don't know I didn't ask him
Q When did you next see him? A I dont know where I next saw him; I dont know as I ever saw him anywere until I saw him here.
Q You only saw him at Fort Gibson, Four Mile Branch, on the Virdigris river and here? A Yes sir
Q You never seen him at his house? A No sir.
Q Dont even know where he lives? A no sir.
Q Never saw him or his mother before the war? A No sir not that I know of.
Q (By the Commission)
Q You say you dont know anything about the mother of this applicant being a slave only what she told you? A Yes sir, that is all.

JOE BRUNER being first duly sworn by Commissioner T. M. Needles, testified as follows before the Commission in favor of the applicant:

Q What is your name? A Joe Bruner
Q What is your age? A 65
Q What is your post office address? A Benge
Q Are you a Cherokee freedman? A I claim to be.
Q Do you know Yancy Vincent? A Yes sir.
Q How long have you known him? A I knew him in '63.
Q Where? A Fort Scott, Kansas.
Q Where did you next see him? A Next I saw him was in '74
Q Where? A In Sequoyah district.
Q Do you know the applicants mother? A Yes sir.
Q What was her name? A A Charlotte.
Q Was she a slave before the war ? A She said she was.
Q Who did she say she belonged to? A Ben Johnson.

Q Where did you first see him? A Fort Smith.
Q Where had you met him? A I never came near my house, as I know.
Q How long the last time you saw him was in 1902 or '3. A Yes sir.
Q Have you never seen his father? A No sir.
Q How long have you known his continuously? A For the past nine years.
Q Do you know where he was born? A I don't think she told me, and said they had come from Corinth, Mississippi.
Q The first time you ever saw her was in Fort Smith, Arkansas?
A Yes sir.
Q Never knew her in the Territory at all? A No sir.
Q And you have only known him continuously for the past 9 years?
A Yes sir.
Q You dont know where he was married? A No sir.
Q You dont know where his first two children were born? A No sir
Q He has only been living at Tenge for the past nine years?
A Yes sir.

JERRY YANN, being first duly sworn by Com'r T. B. Needles testified as follows for the applicant:

Q What is your name? A Jerry Yann.
Q What is your age? A 47.
Q What is your post office address? A Ramey.
Q Are you a Cherokee freedman? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q Do you know Yancy Vincent? A I have known him a good while
Q When did you first get acquainted with him? A In '80
Q Did you know his mother? A No sir.
Q Have you known him ever since 1880? A Yes sir.
Q Where has he been living from 1880 up to this time? A In Sequoyah district, Cherokee Nation.
(By Hastings)
Q Where was he married? A I don't know.
Q Do you know where his first two children were born? A No sir
Q How long have you known him continuously? A Since 1880
Q So he has lived there for the last 20 years has he? A Yes sir right close to me.
(By the Commission)
Q You dont know anything about his mother? A No sir.

MY COM'N REMARKS: Yancy Vincent applies for the enrollment of himself and his five children as named in the testimony, he having withdrawn his application for his wife. He and his children cannot be identified on any of the rolls of the Cherokee Nation. He avers that he is the child of one Charlott Johnson, and that his mother was a slave belonging to one Ben Johnson, a Cherokee citizen, before the war. He makes no satisfactory proof as to the citizenship of his mother and as to his residence, reference is made to the testimony herein. The said Yancy Vincent and his five children will be listed as Cherokee freedmen on a doubtful card. It will be necessary for him to make satisfactory proof as to the birth of his five children their names not appearing on any of the rolls.

Chas Von Weise being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(Signed) Chas Von Weise.

Subscribed and sworn to before me this the 31st of October, 1901.

(Signed) T. B. Needles,
Commissioner

(Application of Tacey Thomas-Oct. 28, 1901)

-0-

Lucy E. Duncan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full, true and accurate copy of the original transcript.

Lucy E. Duncan

Subscribed and sworn to before me this 28 day of July, 1904.

Charles H. Lawson
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 22, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of Yancy Vincent for the enrollment of himself and children as Cherokee Freedmen.

By the Commission:
Q What is your name? A Yancy Vincent.
Q How old are you? A 22.
Q What is your postoffice address? A Bunge.
Q You have previously made an application to this Commission for the enrollment of yourself and children as Cherokee Freedmen, have you? A Yes, sir.
Q Neither you nor your children are identified on any tribal rolls? A No, sir.
Q You have never drawn any money from the Cherokee Nation? A No, sir.

Under the provisions of the temporary injunction recently granted by Judge Joseph Gill, Judge of the United States Court for the Northern District of Indian Territory, this Commission is without authority to receive any further testimony in the matter of the application made by said Yancy Vincent for the enrollment of himself and children for the reason that neither the applicant nor any of his children are identified on any of the tribal rolls of the Cherokee Nation now in the possession of this Commission.

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Arthur G. Creninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Creninger.

Subscribed and sworn to before me this 22nd day of January, 1902.

(signed) T. B. Needles,

Commissioner.

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and for-egoing copy and that the same is a true and correct copy of a document on file with the Commission in Cherokee Freedmen D-1088.

Edith L. Morey

Subscribed and sworn to before me this the 27th day of July 1904.

Charles H. Lawson
Notary Public.

[illegible] photographer to the [illegible] Civil Court of Bombay [illegible] property [illegible] [illegible] Bombay [illegible] Bombay and found [illegible] [illegible] [illegible]

Cherokee Freedman Rejected, Case.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 20, 1902.

In the matter of the application of Harry White for enrollment as a Cherokee Freedman, being sworn and examined he testified as follows:

BY COMMISSION:
Q What is your name? A Harry White.
Q How old are you? A I am 22 years old.
Q What is your post-office address? A My post-office is here.
Q Here Arkansas? A Yes sir.
Q Are you living in Bass Arkansas? A No sir.
Q What district in the Cherokee Nation are you living in? A I am living in Sequoyah.
Q You apply for the enrollment of yourself as a Cherokee Freedman? A Yes sir.
Q Do you apply for any one besides yourself? A No sir.
Q You have no wife nor children? A No sir.
Q What is the name of your father? A Gib White.
Q What is the name of your mother? A Willie White.
Q Your parents both living? A Yes sir.
Q Do you claim a right to enrollment through your mother? A Yes sir
Q Have you ever been recognized as a citizen of the Cherokee Nation? A No sir.
Q Have you ever drawn any money? A No sir.
Q Have you ever applied for enrollment prior to this time? A No sir.

All the rolls of the Cherokee Nation in the possessionof this Commission have been examined and the name of the applicant does not appear of record thereon.

The records of this Commission made in accordance with the act of Congress approved June 10, 1896, have been examined, and fail to disclose that the applicant was ever an applicant for admission before this commission or the United States Court on appeal, under the provisions of said act.

The records of the Cherokee Nation have been examined and fail to disclose thatthe applicant was ever admitted to citizenship by the Cherokee National Council or Commissions on citizenship.

BY COMMISSION: Harry White applies for the enrollment of himself as a Cherokee Freedman. He is not identified on any of the tribal rolls of the Cherokee Nation in the possession of the Commission, neither does it appear that he was ever admitted to citizenship in the Cherokee Nation by the Tribal authorities of said nation of the Commission to the Five Civilized Tribes of the United States Court on appeal. This application appears to come within the provisions of the temporary injunction recently granted by the Honorable Joseph Gill, Judge of the United States Court for the Northern District of the Indian Territory, consequently this Commission is without authority to receive, consider or make any record of application of Harry White to be enrolled as a Cherokee Freedman, and his said application will be reported to the Commission for rejection.

A copy of the record of this application will be forwarded to the Secretary of the Interior for his review and consideration, and the applicant will be notified of the final decision of the Department.

W. J. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W. J. Green

Subscribed and sworn to before me this January 10, 1908.

T. R. Breet

Commissioner.

FILED
AUG 18 1904
COMMISSION TO FIVE TRIBES

Cherokee Freedman D-1288.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 27, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application of Yancy Vinson for the enrollment of himself and others as Cherokee freedman.

It appears that on the 19th day of April, 1904, the applicant and the attorney for the Cherokee Nation were each duly notified by letter that an opportunity would be given them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 27, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Applicant appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

ANDERSON TATUM, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Anderson Tatum.
Q How old are you? A 69 next December sometime.
Q What is your post office address? A Benge, I.T.
Q What district do you live in? A Sequoyah.
Q Do you claim to be a Cherokee freedman? A No, sir.
Q State man? A Yes, sir.
Q Do you know the applicant here, Yancy Vinson? A Yes, sir.
Q How long have you known him?A I have knowed him 30 odd years.
Q How long have you lived in the Cherokee Nation? A Off and on I have lived in the Cherokee Nation, well, back and forwards, have been through it about 40 some odd years, ever since that Mission was built North up here, I hope build it.
Q Did you know Yancy Vinson's mother?A Yes, sir.
Q When did you first get acquainted with her?A It has been, to the best of my knowledge, 30 some odd years.
Q Did you know her before the Civil War? A No, sir.
Q About how long after the war did you first know her? A About 7 or 8 months, I su pose, would not be positive.
Q You don't know, then, whether or not she was the slave of a Cherokee citizen before the war? A She was said to be.
Q You don't know that of your own knowledge? A No, sir, only what I was told.
Q How long after the war was it when you first saw her? A 6 or 7 months, I guess, I wouldn't be positive.
Q Where was she then? A She was in Alabama when I first saw her.
Q In the state of Alabama? A Yes, sir.
Q Was this boy born at that time?A Yes, sir.
Q Was he living there with her?A Yes, there was two.
Q In the State of Alabama? A Yes, sir, this boy and his sister.
Q How long did they continue to remain there from the time you first saw them after the war? A In Alabama, it was about six or seven months after the war, maybe longer, they lived there. I wouldn't be positive, along in the first part of '67 or '68, I wouldn't be positive.

Q You don't know where they went? A Yes, sir.
Q Where? A They went, I was with them to Corinth, Mississippi, and the next time I saw them was right down here at Fort Gibson.
Q Do you know about how long after the war it was when you saw them at Fort Gibson? A It was about two or three months after the six or seven months, when I saw them again.
Q When you first saw them in Alabama, about seven months after the war, and you next saw them in the Cherokee Nation about three months from that time? A I saw them about three months after they got here; it was six or seven months, maybe longer, when I saw them in Alabama, and they was here about three months when I saw them.
Q How long after the war was it when you first saw them here at Fort Gibson? A It must have been about eight or nine months, maybe longer, I couldn't be positive, I couldn't testify exactly the time.
Q Do you know whether or not this applicant's mother had ever lived here in the Cherokee Nation before that time? A No, sir, I don't, only what I have been told.
Q Did you know Yancy Vinson's father? A No, sir, don't know him.
Q Have you known Yancy Vinson continuously since the time you saw him in Fort Gibson about eight or nine months after the war, as you say? A I have saw him off and on ever since.
Q Do you know where he was living all the time? A No, sir, not altogether, he went to Fort Scott, I believe, and then back, so they said. I wasn't with him, and from that on I have known him for about 12, 13 or 14 years.
Q You don't know then of your own knowledge, of his whereabouts except for the last 13 or 14 years? A Not all the time.
Q When you would see him would he be living in the Cherokee Nation? A So he said.
Q You don't know, yourself? A No, sir, sometimes I would see him in Fort ~~Smith~~ Smith, and sometimes in the Cherokee Nation, but that was said to be his home in the Cherokee Nation.
Q How long did his mother live, if you know, after ~~xx~~ you saw her at Fort Gibson the first time? A I don't know.
Q Don't know where she lived? A No, sir.
Q Don't you know whether she continued to live in the Cherokee Nation until her death? A No, sir.
Q Is this applicant, Yancy Vinson, married? A Yes, sir.
Q What is the name of his wife? A His wife is named Elizabeth or Lizzie, Lizzie, I believe.
Q Do you know his family, how many children he has? A Yes, sir, I could count them up to you? A Sometimes can't count them all; got so many. Elijah is one, can't half the time think of their names; Matilda is another; Tootsy, I reckon that the nickname; that's what I call her, is another.
Q Is that the third one? A I call it Tootsy; no, sir, I believe the third one is Carl. I believe Tootsy is the one they call Orie.
Q Then you can't testify of your own knowledge as to the residence of Yancy Vinson, except for the last 13 or 14 years? A Yes, sir, that's it.

By Mr. Hastings:
Q You are a freedman, but not a Cherokee freedman? A Yes, sir.
Q You know George W. Vann, down in Sequoyah district, do you, also a colored man? A Yes, sir.

Q You testified for applicants of his to a number of cases, haven't you? A I don't know that I did, I don't remember it, not a one, I guess, of his.
Q Well, people that he got to apply down in there, you testified for a number of them, didn't you? A I don't know whether they got him or not, I have testified for people down there, but I didn't know he got them.
Q You know he was interested in them didn't you? A I believe he was a witness.
Q What were you doing in Alabama? A I was born there the other side of Alabama, and I steamboated and travelled a good deal.
Q What town in Alabama did you know this boy's mother? A Tuscumbia.
Q How big a town is Tuscumbia? A I don't know, a pretty good little sized place.
Q How much population?A I don't know; wasn't there long, can't tell.
Q Was it one river? A I believe there is a little river right close there, but I don't know that it is on a river.
Q What is the name of the river right close there?A I don't know.
Q Is Tuscumbia in the Northern or Southern part of Alabama? A In the southern part, I think. My home would be close to Huntsville, there; was acquainted there more than at Tuscumbia.
Q How long did you stay at Tuscumbia? A I never stayed there but about, I disremember now exactly how long.
Q You are not willing to be pinned down to dates or anything definite are you? A Can't do that that, unless I know exactly the facts, and -----
Q You are particular about your oath, aren't you? A I don't want to say anything only what's right.
Q What year is this? A This is 19-- 1904 see, 1904, I believe.
Q You are certain? A No, sir, but I think that's right.
Q Where was this woman living in Tuscumbia when you first saw her? A When I first saw her she had been living with a man by the name of Vinson.
Q Had you known Vinson before that ? A No, sir, only what I had been told.
Q You never knew him yourself?A No, sir, I did not know him.
Q Did you say you came with him over to Mississippi? A Yes, sir, to Corinth.
Q Is Corinth on a river or what? A Corinth , Mississippi, is right close to the Mississippi river not very far.
Q How long did you stay at Corinth? A We stayed at Corinth three or four or five days.
Q Then where did you go? A Come right on through to Vicksburg, I did,and then from there right on down----
Q Did you and this woman separate at Corinth?AYes, sir, and then next I saw them there at Gibson.
Q You went to Vicksburg? AYes, sir.
Q How did you go? A On a boat down the river and got off the boat. I steamboated nearly eight years.
Q You don't know how this woman come from Alabama? A Only what I have been told.
Q Where did you come to from Vicksburg? A We came up to a place called, I forget the name of the town, Napoleon, I think, seems like they called it.
Q How long did you stay at Napoleon? A Not long, so we come right come out of the Mississippi River into another river, and then into the Arkansas river.

Q Where did you come to, Fort Smith? A Yes, sir, and then to Fort Gibson.
Q Did you stop at Little Rock? A Yes, sir.
Q How long? A Not long. Boat didn't stop there long.
Q Then you came on up to Fort Gibson? A Yes, sir, Fort Smith, and then Fort Gibson.
Q You came by boat? A Yes, sir.
Q Where did you see this woman near Fort Gibson? A A man by the name of Johnson.
Q What was his first name? A Aaron.
Q Where did he live from Fort Gibson? A They lived out beyond Fort Gibson, can't exactly remember the place, can't tell.
Q Were you at Aaron Johnson's? A Yes, sir, I have been out to his house.
Q At the time you speak of? A Yes, sir.
Q What kind of a house did he live in? A Log house or shanty.
Q Any rivers or creeks out there? A Yes, sir, there is creeks, several of them.
Q On whose place did Aaron Johnson live? A Can't tell. I supposed it to be his, but don't know.
Q How long did you stay out there? A I stayed there several days.
Q What was Aaron Johnson's wife's name? A It was Sarah, I think, not certain.
Q Did they have any children? A There was some there, but I don't know whether they were his. There was one there, a yellow boy, but I don't know what his name was. I think they called him Nick or Nicholas.
Q Was this applicant's father there at the same time? A I never seen his father in my life.
Q Was this man married at that time? A He was nothing but a boy when I first saw him, his face was slick.
Q About how old was he? A I couldn't tell you.
Q What is your best judgment about how old he was? A Not knowing, I couldn't say.
Q You saw him and you can tell how old he appeared to be, can't you? A I couldn't tell his age, I never paid much attention to peoples' age then.
Q This question is getting nearer of a tender point with you and you----- A I don't know and I aint guessing.
Q You are guessing about how long after the war it was you saw them and can't you guess about this? A I know when we were turned loose.
Q You saw this boy and you can form some sort of an idea about whether he was 21 years old or not? A Couldn't tell.
Q Was he one month old or nearer 20 years old? A He was nearer 20 years than one month old.
Q Do you think he was 10 or twelve years old? A Somewhere there, maybe older.
Q Might have been older? A Yes, sir, I never did ask his age; there was mighty few who knowed their ages.
Q I am asking you about your best judgement? A Somewhere along there, might have been older.
Q About 10 or 12? A Yes, sir, somewhere along there.
Q That is your judgment? A Yes, sir.
Q A good big boy? A Yes, sir.

Q About half grown? A Couldn't say that.
Q He was about that old and about that large when you first moved him? A Yes, sir, somewhere along in there, couldn't be for certain.
Q You didn't go with them, then from Corinth any further? A Corinth, Mississippi.
Q Say no if you didn't? A No, sir, I didn't.
Q When did you next see his mother after you saw her at Fort Gibson? A I haven't saw her since.
Q Haven't seen her since? A No, sir, have heard of her, but haven't seen her.
Q Did you ever see him since? A Yes, sir, and his sister.
Q When did you see him next? A I saw him off and on ever since.
Q When did you see him next? A I don't know exactly.
Q About how long? A Might have been a year or two years, somewhere along there, a year and a half.
Q Where did you see him? A Down by Fort Smith.
Q At Fort Smith? A Yes, sir, with an old fellow, I forget his name now.
Q What was his name? A I forget his name.
Q Was he married then? A No, sir.
Q Do you know where this man was married? A No, sir.
Q Do you know where these children of his were born? A No, sir, only what I have been told.
Q Never have been to his house? A Yes, sir, lots of times.
Q When? A Off and on ever since he moved to Sequoyah.
Q When was that? A 12 or 13, wouldn't be positive.
Q Days or months? A Years, maybe longer.
Q That is the first time you ever saw him in the Nation, isn't it? A No, sir, I told you a while ago.
Q Did anybody live over there in the neighborhood with Aaron Johnson? A Yes, sir, several.
Q Who can you name that lived there that is living today? A An old woman by the name of Polly something, I disremember her name; wasn't acquainted with her; saw her here and at Fort Gibson lots of times? Then another family lived in there, I forget their names now, but I think Starrs.
Q Starrs? A Yes, sir.
Q One of them was a Barbara Starr? A It might have been, I don't know; it was a Starr, I don't know the other name. Then there was another family lived in there called Ross.
Q Who? A Ross.
Q Don't know the first name? A No, sir.
Q Don't you know those Starr niggers wasn't brought back here until the fall of '67? A I think they were Starrs; wouldn't be positive. I think they were Starrs, and a woman named Polly, I fogget her other name, and then several I saw if I could think of them.
Q Aaron Johnson is dead, isn't he? A I have heard so.
Q That is the reason you picked him as the man where you saw this applicant? A No, sir, I knowed Aaron Johnson like a book, just as good as I knowed anybody.

YANCY VINSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Yancy Vinson.
Q How old are you? A Going on 44.

Q. What is your present postoffice address? A. Sawlaw, I.T.
Q. It seems that in your original application for enrollment as a Chickasaw freedman your name was spelled in the testimony, W-h-e-e-l-o-c-k, is that correct? A. No, sir, that wasn't correct.
Q. What is the correct spelling of your name? A. W-h-e-e-l-o-c-k.

o-o-o-o-o-o-o-o-o-o

H. H. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. H. Vance.

Subscribed and sworn to before me this the 28th day of April, 1904.

(Signed) Charles H. Sawyer,
Notary Public.

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 21st day of July, 1904.

Charles H. Sawyer
Notary Public.

[illegible]

[illegible] Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., July 28, 1902.

[illegible] and in the matter of the application for the enrollment of [illegible], [illegible], [illegible], [illegible], [illegible], as Cherokee freedmen.

It appears that on July 6, 1902, the principal applicants and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its office - in Muskogee, Indian Territory, on this day and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicants appear in person.
Cherokee Nation by its attorney, James K. Davenport.

MILLIE WHITE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Millie White.
Q How old are you? A I better say about, I don't know hardly, just as I told you before.
Q When you applied before this Commission on January 22, 1902, you said you were about 48? A What would that make me now?
Q About 50 now. A I guess so, yes sir.
Q You applied for enrollment as a Cherokee freedman? A Yes sir
Q And for the enrollment of your child, Viola? A Yes, sir.
Q What is your present post office address? A Benge.
Q What district do you live in? A Sequoyah.
Q What is the name of your father? A I don't know, sir; I think they said Jeane.
Q Do you know anything about whether or not he was a Cherokee freedman? A No, sir, I don't.
Q What was the name of your mother? A Charlotte Johnson.
Q Is she living? A No, sir.
Q Was she a Cherokee freedman? A Yes, sir.
Q When did she die? A She died when I was small, directly after she brought us out here.
Q Did she die before the war? A No, sir
Q After the war? A Yes, sir, after the war.
Q Where were you living when the war come up? A In Alabama, when the war come up.
Q Who did you belong to at that time? A Annie Johnson, Ben Johnson's wife.
Q Was she a citizen of the United States, a white woman? A No, sir, she was a Cherokee; the man that we were staying with told my mama to come home to the Cherokee Nation.
Q Do you claim to have been the slave of a Cherokee citizen residing in the State of Alabama when the war came up? A Yes, sir.
Q When did you first come to the Cherokee Nation? A They sent us to the Cherokee Nation just before the war ended.
Q Did you know what year that was? A No, sir, I couldn't tell the year it was, now; it was before the war ended, because he took his niggers and went away and sent these home.

Q In what part of the Cherokee Nation did you live? A We lived in Tahlequah, Tenkiller, and came to Grand Ridge.
Q Have you lived in the Cherokee Nation ever since that time?
A Yes sir, off and on. (Witness I was married to a white man and he travelled about and got a [illegible].)
Q How much have you lived out of the Nation? A I couldn't tell exactly, but I didn't never stay out a year at a time. I didn't want to go out, and wanted him to stay with me, but he couldn't do it. He wanted to stay out where he could get gold wages.
Q How long have you been in the Cherokee Nation at this time?
A About 17 years.
Q Have you ever been enrolled as any of the tribal roll of the Cherokee Nation? A In time of the Kemp-Dillon roll I was. I made three trips then and then Dawes he was the last one, and they told me they had twice some one older than I was.
Q Have you ever been enrolled? A No,sir
Q You never drew any money from the Cherokee Nation either, did you? A No,sir

By Mr. Davenport:
Q Where were you raised? A I can't just say that I was raised in the Cherokee Nation, and I told you what they sent me home, and I was a good sized girl, about that high (indicating)
Q You say when the war broke out you were living in Alabama?
A Yes sir.
Q At what place, Bridgeport? A I don't know, sir, I was small. I know I was there.
Q You lived at the same place and postoffice as George Ward and George McKamy? A I don't think-- -
Q Don't you know George McKamy? A Yes,sir.
Q Were you living at the same place? A I didn't know him then and not until here about 20 years ago.
Q How far was it to the nearest town where you were living that you remember the name of? A I remember a town called Tuscumbia.
Q How far was it from Tuscumbia that you remember living when you could remember anything about it? A I was so little I never went to town, but I can remember the name.
Q You say that Ben Johnson was your owner when the war broke out?
A Annie Johnson, Ben's wife.
Q Annie Johnson was living in Alabama when the war broke out?
A No,sir.
Q Where was she living? A Here in the Cherokee Nation; They sent us here to her.
Q Where did you find Annie Johnson when you came to the Cherokee Nation? A When we came here we stayed a good while, but they were gone somewhere; I could hear them talk when I got up any size and they said she was gone.
Q Where did you find her? A I didn't find her at all, but I found some of the colored people they knew.
Q Who did you find they knew? A Uncle E. N. Johnson ame to us, and Mose, a man by the name of Mose.
Q Where was Ben Johnson when you came to the Cherokee Nation?
A He didn't come; I never seen him.
Q You knew the niggers were free before you left Alabama, didn't you? A No,sir, they told us to come home.
Q Who were you living with in Alabama? A Vinson.
Q Did you know what his first name was? A No,sir, Curd and his son were there together.
Q How did you travel from Alabama to the Cherokee Nation at that time? A They give us a little old cart , or wagon, with two steers
Q Did they give you any money? A I don't know; I know they give us a big paper.

Q Do I understand that you came you travelling and the way from Alabama to the Cherokee Nation? A Yes sir, we came to the Cherokee Nation. Q Did you come with any other people? A No sir, we came by the same road and we got to the Nation at the same time.

Q You were a good sized girl at that time? A Yes sir, I know what they give me, and I believe that belonged to me and not to a negro.

Q Who came with you from Alabama to the Cherokee Nation? A A man by the name of Anderson Tatum. He came part of the way with me.

Q What did he do after he got out here? A He didn't come all the way with me, and then we got to with some more people, a white family and a white one.

Q You say you came direct from Alabama to the Cherokee Nation, or some other way? A No,sir, we came here.

Q Where did you cross the Mississippi River? A I was small, I couldn't tell.

Q You were large enough to remember towns and places like that? A No,sir.

Q How old is your oldest child? A About 14 years old.

Q You must have been 10 or 12 years old at that time? A I reckon I was a good sized little girl.

Q Where did you first strike the Cherokee Nation? A We came through Kansas.

Q You come through Kansas coming from Alabama to the Indian Territory? A I think so.

Q If you did come by Kansas what town did you strike first? A I don't know.

Q Kansas is north of the Indian Territory, isn't it? A I couldn't tell.

Q Have you ever been in Kansas since you come to the Indian Territory? A No,sir.

Q You must have come through Arkansas instead of Kansas, didn't you? A I couldn't tell.

Q Didn't you live in Argenta, near Little Rock, a while?

A Yes sir, that was after I went back, after I married.

Q How long did you live at Argenta? A Didn't live there.

Q Did you live at Little Rock? A Yes,sir, a while, and then Pine Bluff.

Q You had been in Arkansas before you married? A I guess so, when I come through there.

Q Do you know you come through there? A I don't know how I come.

Q Who else besides yourself came of the colored people at that time you came? A My mammy and brother and Mrs---

Q What is your brother's name? A Yandy Vincent.

Q IS he dead? A No,sir.

Q Where is he living? A In Sequoyah

Q Your mother is dead? A Yes,sir.

Q Do you know whether or not you had been in the Cherokee Nation before the time you claim you came about the time the war closed? A If I was I was a baby; some people told me I was born in Flint district.

Q Do you know where B^en Johnson's home was in the breaking out of the war from information? A No,sir.

Q Have you ever seen his former slaves that lived in Sequoyah district and gone over this matter with them since? A I have seen some of them.

Q Have you ever gone to Joe Johnson and asked them if they remembered you belonging to Ben Johnson? A I aint seen Joe Johnsonz

Q You have lived in Sequoyah district 17 years, you say? A Yes sir, about that long.

Q Have you ever looked up and found out? A I aint had no talk with Joe Johnson.

Q Do you know George W McKamy? A Yes,sir .

Q Have you ever talked with him about your citizenship? A He has talked with me about it.

Q Did you remember your owner being sold before the war?
A Yes sir, he told me about it.
Q How many times have you been sold? A About four times.
Q When you first came to Sequoyah district was the old colliery were living near where you located? A Whole mass Indians.
Q Did you go to Sequoyah District by land or on the water?
A When I first came here?
Q Yes A When I was small?
Q When you went to Sequoyah, children? A It has been about 18 or 19 years, since I nothing there to stay.
Q When you first settled there to stay how did you travel, to the Sequoyah district? A I just came from over in Van Buren and in the Cherokee Nation and stopped there in Sequoyah.
Q You had been living in Arkansas? A Yes,sir, I travelled about in Arkansas after I married.
Q Did you have lived at Little Rock, Arkansas? A Yes,sir, my husband worked there.
Q How long did you live there? A I think he worked there about three months.
Q How long did you live at Pine Bluff? A We stayed at Pine Bluff a bit, we went there once when he was working at the carpenter trade and stayed there about two or three months.
Q Where else did you live in Arkansas, other than Little Rock and Pine Bluff? A We travelled about so much, wherever he worked at he would let me stay one place sometime four or five months, and sometimes he would be off working, I don't know how far from me.
Q How many children have you? A Five.
Q What is the oldest named? A Jim White.
Q Where was he born? A In the Chickasaw Nation.
Q At what point? A I can't tell what point, I just know upon a hill down in the Chickasaw Nation.
Q What is the name of the next oldest? Harry White.
Q Where was Harry born? A Chickasaw Nation.
Q What is the next oldest? A Ruth.
Q Where was she born? A Cherokee Nation.
Q Where was the next one born? A The others were born in the Cherokee Nation
Q You have no knowledge, yourself, of who your owner was? A yes sir, Ben Johnson, I had a knowledge.
Q Did Ben Johnson ever have anything to do with you so far as managing or controlling you before the war? A No,sir, all I know about him having anything to do with us was when they sent us home.
Q When you could first remember, in Alabama, you were living with Curd Vincent, who lived at Fort Tuskaloosa, right near the river, didn't you? A Yes,sir.
Q Then the war broke out and you were still with the Vincent's?
A Yes,sir.
Q Your mother was there? A Yes,sir.
Q Your father was there? A No,sir, I don't know where he was.
Q Do you know of your own knowledge whether the war had closed when you started west? A No,sir, it wasn't closed; he took his black people and went away and left us there and sent us on home, and told us to come; said nothing wasn't going to hurt us.
Q What army post or army encampments did you pass coming from Alabama to the Indian Territory? A I couldn't call the names; we passed a heap of soldiers once in a while.
Q Don't you know that from the breaking out of the warm after the war was on in 1862, that in the southern states, both Alabama and Tennessee, and Mississippi, no colored people were allowed to travel without military escort? A Yes,sir, but they give us a paper and nobody bothered us; I didn't pay any attention to it.
Q You can't remember the year you got to the Cherokee Nation?
A No sir.
Q Where did you first establish a home in the Cherokee nation?
A First on Grand River.

Q At what point? A I don't know.
Q Can you remember the names of any of the parties near where you stopped? A I can remember who came from there and talked with us
Q Who? A Aaron Johnson.
Q Do you remember any white people in Cherokee? A I seed some people, but I don't remember some of their names.
Q What did you do for a living? A Mammy ,not amounted around and begged.
Q Who did she beg from? A She would go to Gibson, but I remember several old people.
Q Then as I understand you, you didn't get up there to the Cherokee Nation until after Aaron Johnson had returned to the Cherokee Nation As We got there before he came.
Q How long had you been there when you saw Aaron Johnson? A I don't know.
Q About how long ? A I don't know whether we had been there a year or not. It was a year, I reckon , as near as I can come at it.
Q Had the war closed by the time you got to the Cherokee Nation? A I don't think it was, if it was I didn't know anything about it until Aaron Johnson told her, said it was no use hunting for Ben ~~[illegible]~~ and Annie, because the niggers were set free then, several old people would visit around the wagon where she camped.

By the Commission:
Q Were you ever married more than once? A No,sir, not but once.
Q Is that husband living now? A Yes,sir.
Q What is his name? A Gib White.
Q A state man? A Yes,sir.
Q He is the father of your children Harry and Jim H. White?
A Yes sir, he is the father of all the child en I ever had.
Q You don't know anything of your own knowledge as to whether your owners were citizens of the Cherokee Nation, or not, do you? A Yes sir, they was recognized.
Q How do you know that? A I heard these old ones say that.
Q You didn't know it, yourself, A No,sir.
Q Do you know whether they ever lived here before the war or not?
A No,sir, only what I heard.
Q You are about 50 years old? A Yes,sir.
Q Before you finally settled in the Nation some 16 years ago where had you lived since you became grown? A I lived and married here in the Cherokee Nation; and then went out; my husband went out.
Q About how old were you when you married? A My husband said I was about 15.
Q Then after your marriage had you ever lived in the Cherokee Nation from that time until 16 years ago? A I would just come backwards and forwards.
Q You never hadany permanent home? A Yes,sir, it was my home.
Q Did you own a home here? A Yes,sir.
Q Where? A In Sequoyah I owned a home; I tried to get him to come here and stop carpentering.
Q Who were your neighbors down there? A Parson Vann.
Q That George W. Vann? A Yes,sir.
Q Who else? A Albert Johnson.
Q Do you remember all who were living in the neighborhood in which you settled first, when you first came to the Cherokee Nation?
A When I first came here, I don't think there was anyone living that I seed.
Q Where did you come to, you say? A I come down here at Gibson, at Grand river, and stayed there a good while, right down on the river there, fishing.
Q How far dfrom Fort Gibson was that? A Not far.
Q Anybody living in that neighborhood then?? A Yes,sir, she went around, but I was small and she didn't carry me.

Q How long do you think you lived there, and did your mother move away from there? A I think we stayed there about a year.
Q Then where did you go? A We left there and stayed on the Arkansas one river a fighting a while. Then we went to the Cherokee Nation and stayed a little while longer.
Q Where were you married? A I was married?
Q Who performed the ceremony? A At a church house one Sunday night. The old man was named Alex Nowata.
Q A colored preacher? A Yes sir.
Q Did you get a license? A No,sir, he just talked to us.
Q When did your mother die? A When I was small.
Q Where did she die? A I don't know, sir, but I think she died in the Cherokee Nation. She had went away from us, and the man that was staying with her, he went off and then when mother went off in the Cherokee Nation, she didn't come back, and when he came back he told me that she was dead, why then I went on towards Lee's Creek.
Q Have you got any brothers or sisters, or did you ever have?
A Yes,sir.
Q Are they living now? A Yes,sir, Yancy Vincent.
Q That is your brother? A Yes,sir.
Q Is he a full brother to you? A I don't know.
Q Have you the same mother and same father? A We have the same mother.
Q You don't know whether your father was his father or not? A
A No sir.
Q He has applied for enrollment as a Cherokee freedman, also hasn't he? A Yes,sir.
Q Did he come to the Cherokee Nation at the same time you did?
A Yes,sir.
Q Have you any other brothers or sisters? A No,sir.
Q Is Yancy Vincent older than you? A No,sir.
Q He belonged to the same people you did? A Yes,sir.
Q What is the name of his wife? A Lizzie
Q She is a state woman is she? A Yes,sir.
Q Then he has ~~xxxx~~ some children, Elijah and Tildy and Orra?
A Yes,sir.
Q And Calvest and Pink and Essie? A Yes sir.

By Mr. Davenport :
Q Whose place did you locate on when you moved to Sequoyah district?
A Q When we went we located on Dr. Bell's place and worked some on Frank Morgan's and some on Johnson's.
Q Was that the first year that you worked on Dr. Bell's place?
A No,sir, not the first year . The first year we were in the hills and there was nothing up there we could do.
Q What place in the hills? A Just back up there in the hills.
Q How far from the railroad were you? A About two miles, I believe
Q Don't you know whose place you lived on? A We went to that place and started to clean it up, but it was so poor---
Q Whose was it? A Nobody's then.
Q Where did you get your mail at that time? A Muldrow
Q Muldrow was established when you went to Sequoyah District?
A Yes,sir, this last time.
Q When you moved to Sequoyah? A Yes,sir.
Q You had never lived in Sequoyah district before that time?
A No, sir, only passing through there.
Q Near whom do you live in Sequoyah district? A Close to Mrs Whitmire and Julia Johnson; they live up in the hills and we rent in the h bottom.

Q Who do you rent from in the Nation? A Alexander
Q That Alexander? A Thomas Alexander
Q This year? A Yes,sir, not this year
Q Who are you renting from this year? A He aint renting for 1 from this year; he is working in the state
Q He is living in a state? A Yes,sir.
Q And you are? A No,sir, I stay here part of the time he tried to get me there and I wouldn't do it. I have my things with my mama, and I stay with my husband part of the time.
Q Your husband is keeping house in Arkansas? A Yes,sir.
Q And you help do the housing and live with him? A Yes,sir sometimes.
Q You and he are not separated? A No,sir.
Q Whose place does your mam live on in the Cherokee Nation? A Houston Benge's.
Q Where is that place located? A Nights between Cherokee and Fort Smith, right at the divide.
Q How long has he been living on that place? A This makes two years.
Q On whose place did he live before that? A Alexander's.
Q Thompson's or Joe's? A Thompson's.

By the Commission:
Q Is this child Viola now living and living with you? A Yes,sir

JIM H. WHITE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jim H. White
Q How old are you? A I am about 30 or 31 years old.
Q When you applied for enrollment on January 30, 1904, you gave your age as 24 years; that has been two years ago? A I aint positive something along about there, 30 or 31, I aint positive.
Q What is the name of your wife? A Sarah White.
Q And you applied for her and for your children, Samantha, Birdie and Etta, did you? A Yes,sir.
Q Are she and those children all living now? A Yes,sir.
Q Living with you? A Yes,sir.
Q Your wife is a state woman, is she? A Yes,sir.
Q What is your present postoffice? A My present postoffice is Benge
Q When you applied for enrollment in 1902 you stated your postoffice was Dora, Arkansas? A Yes,sir.
Q was that right? A I ain t for certain whether I stated Dora or not; sometimes we get our mail from Dora and sometimes from Benge whichever is the handiest
Q How long have you been living in the CherokeeNation since you can remember? A I have been living there about 16 or 17 years since I could remember.
Q Where did you come from to the Cherokee Nation? A I came from the Choctaw Nation.
Q How long had you lived in the Choctaw Nation? A I don't know; I lived in the Chickasaw; we went about so much, I don't know exactly.
Q Where were you living when you first remember? A At Fort Gibson.
Q How long did you live there? A We didn't live there so very long, about, I can't hardly remember how long; something along a about a month or so.
Q Can you state about how old you were then? A No,sir.
Q About how large a boy? A I reckon I must have been something about the age between 12 and 13, I suppose, I would not be positive
Q Were you living there with your mother? A Yes, sir.

Q Your family lived there for a month or so, your mother and her children? A She didn't stay there all the while.
Q You said for a month or so? A Yes,sir, but out with mother directly all the while time.
Q Who did you live with at Fort Gibson? A I don't know the people's name.
Q You don't know the people's name? A They called the fellow Sam something.
Q Were they colored people? A Yes,sir, I don't remember his name. I guess his name was Sam.
Q Were you ever enrolled on any of the tribal rolls of the Cherokee Nation? A Yes,sir, we appeared before this court.
Q I say were you ever enrolled on any of the Cherokee tribal rolls? A No,sir.
Q You never drew any money from any of the Cherokee tribal authorities? A No,sir.
Q Did you ever vote in any of the Cherokee elections? A No,sir never did.
Q Were you ever recognized in any manner as a citizen of the Cherokee Nation? A No,sir, we wasn't recognized no further than we tried to make up our proof here.

By Mr. Davenport:
After you left Fort Gibson the time you have spoken of, where did you go.? A After we left Fort Gibson I went to Memphis.
Q Memphis, Tennessee? A I reckon so.
It was outside of the Cherokee nation? A Yes,sir.
Q Don't you know whether it was Memphis, Tennessee, or not?
A I would not be positive.
Q Where was it located with reference to any rivers, any rivers near by? A I believe there was a river.
Q You don't want to be understood that you can't remember whether or not you crossed a river going from here to Memphis? A I guess we did.
Q Who went with you? A I don't know the people that went with us from here to Memphis.
Q Who was us? A I went with some more people.
Q Can't you tell me the name of somebody that went with you to Memphis, whether it was Memphis, Tennessee or some other Memphis?
A I don't believe I can.
Q How long did you stay at Memphis? A We stayed at Memphis about eight or ten months.
Q Who were we? A I am talking bout the parties that went with me there.
Q You don't mean that you stayed there six or eight months and can't remember their names? A Yes, sir
Q You were 18 or 19 years old? A I don't know whether I was or not
You said you lived at Fort Gibson from 12 to 18 years, didn't you? A I didn't.
Q How long did you live at Fort Gibson? In all your life, all put together? A We lived at Fort Gibson something like two or three months.
Q Do you know where your mother was while you a were at Memphis?
A No,sir
Q How large were you when you went to Memphis? A A good sized kid
Q Were you large enough to work? A I didn't do any.
Q How long did you stay at Memphis before you returned to the Cherokee Nation? A We stayed at Memphis, I reckon, about ten or eleven months, I reckon.
Q Then where did you go? A We came from Memphis then back through the Cherokee Nation out towards Kansas.
Q What point in the Cherokee Nation did you go to? A Up here by old man Sam Barnes'.

[illegible]

Q Where did the Payne live? A In what is [illegible] District
Q How far was it from Fort Smith, Arkansas? A I reckon something about eight or ten miles, I guess.
Q You lived near old man Lee Lockhart at that time? A He was living there out in the [illegible], and there didn't many [illegible] out there then.
Q How did you get from Memphis back over to the Cherokee Nation?
A We came part of the way on the train and part on the boat.
Q What part on the boat? A We came from Memphis to Pine Bluff on a boat.
Q Your mother was living at Pine Bluff at that time, wasn't she?
A I don't know where she was living at that time.
Q You know when she and your father lived at Pine Bluff? A Yes sir
Q They were not there then? A No, sir.
Q After you left the Bluff, how did you come to the Cherokee Nation
A On the train.
Q At what point did you get off the train? A There at Fort Smith.
Q When you came to the Cherokee Nation to whose farm did you come first? A It a little place out there, up there in the hills somewhere.
Q You were grown then, were you? A I didn't consider myself grown
Q Whose place were you living on when you first remember living in the Cherokee Nation? A On a little place that we tried to clean up of our own.
Q How long did you live there? A We lived there about a year, I think.
Q Then to whose place did you move, after you left that place in the Cherokee Nation? A After we left that place we went to Mr. Bell's place.
Q That is near Fort Smith, there on the Cherokee side? A Yes sir
Q Then where did you move to? A From Mr. Bell's place to Frank's
Q Frank Morgan's? A Yes, sir.
Q How long did you live on Frank Morgan's place? A I think, I aint for certain, about three or four years.
Q Then where did you go? A From Frank Morgan's to Alexander's
Q Thompson's or Joe's? A Thompson's, I think.
Q Thompson is the one that is Civil Engineer and not at home much?
A Joe managed it all the time.
Q How long did you stay there on the Alexander place? A About three years, I believe.
Q Then where did you go? A From there to the Payne farm.
Q Houston Payne's? A Called Payne Brothers.
Q How long did you stay there, up to the present time? A Yes sir
Q You don't know anything about who was the former owner of your mother? A No, sir.
Q Do you know George W. Vann, or McKamy? A Yes, sir, I have seen him.
Q Do you live on the Payne place now? A Yes, sir,
Q You don't mean to say that you live on the Payne place and get your mail at Benge, or Dora, Arkansas, either one, do you?
A Yes, sir.
Q Go clear out to Benge to get your mail? A Yes, sir.
Q It is further than it is to Fort Smith, isn't it? A I don't know.
Q Don't you know that Benge postoffice is at the switch near Cherokee, and that the Payne place is right at the river where the bridge crosses the river to the Fort Smith side? A Benge is not on the river.
Q I know Benge aint, it is out at that switch this side of the bridge between there and Cherokee? A No sir, not between Fort Smith and Cherokee.
Q Up this side of Cherokee? A Yes, sir.

Q Then you are getting four or five miles farther away from the Texas line? A Yes sir, we have got a nearer way to go across the ground, if you take the railroad it is farther.
Q Do you get your mail at home, Alberta? When you were either in the Bell, Vann or Alexander places? A Sometimes however there were a bunch lot of people passing, when we got a lot of messages to allow to up there, sometimes we would have it sent there.
Q Fort Arkansas is over the hill from the house, towards Lee's Creek? A Yes sir.
Q And to get to get there you have got to cross that range of hills there by Chambers? A Yes sir, there is a road there.
Q You were living down there by Van Buren on Lee's Creek for about three years, weren't you? A I don't know anything about it.

Q You have been there, haven't you? A I don't know much about that country around there.
Q Don't you know anything about Lee's Creek? A Mighty little about it.
Q Don't you know that Fort Arkansas, is just a short distance from Lee's Creek? A Probably it is ; of course, I have been to Lee's Creek.
Q Your mother lived over on that side for a long time, didn't she? A I don't know sir.
Q She lives in Arkansas now, don't she? A No,sir.
Q Don't she and her husband keep house on the Arkansas side?
A No,sir.
Q Where is her family living? A My mother stays with me.
Q Has she and her husband separated? A I don't know whether you call it separated or not; she tried to get him to come over there and rent land with me, she is living with me now.
Q Where is her husband living, on whose farm? A Old man Bowles farm, I reckon that is the man, he stays in town.
Q What town? A Fort Smith.
Q Thomas Bowles? A I don't know, sir, whether it is Thomas or not
Q The farm is on the Arkansas side? A Yes,sir.
Q Where does Viola stay? A Right there with me.
Q Al the time? A No sir, not all the time.
Q Don't you know that Viola is to-day, and was yesterday at noon, right where this man White is with your wives? A No sir, the baby-
Q Wasn't she there yesterday at noon? A No,sir.
Q Where was she? A I was here yesterday.
Q You don't know then, where she was yesterday? A No sir.
Q Where was she when you started up here? A ~~Xxxx~~ There at home.
Q Who keeps house for your mother's husband? A One of the boys stays there and cooks whenever she aint there.
Q I believe you say you never applied to any Commission only the Dawes Commission for your rights? A N ,sir.
Q How far do you live from George W. McKamy? A Is that Vann?
Q Yes,sir, and you know it. A I reckon about four or five miles
Q He is a preacher? A Yes,sir.
Q You have talked with him about your citizenship? A No,sir.

By the Commission:
Q When the Commission's notice was sent you on July 6, to introduce further testimony in your application, you were also requested to furnish affidavits as to the birth of your children, have you them? A No,sir, I understand it would do as well here.
Q Didn't we send you blanks? A Yes,sir.
Q Haven't you attended to that? A No,sir.
Q Is your wife here? A No, sir, my mother is here, the one that waited on her.

HARRY WHITE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Harry White.

Q [illegible] A I [illegible] between [illegible] and [illegible]
[illegible] U. S. [illegible]
[illegible]
[illegible] A [illegible]
[illegible] A I am living in the same settlement, but we got out [illegible] at different places.
[illegible] Q [illegible] A [illegible]
Are you living in the Choctaw Nation now? A Yes, sir.
[illegible] District? A [illegible]
[illegible] A [illegible]
[illegible] A [illegible] settlement here when I [illegible] first remember, I was born in the [illegible]
What part of the country? A [illegible] the first one remember.
Have you ever been enrolled on any of the tribal rolls of the Choctaw nation? A No, sir.
Q Have you ever taken any money from the Choctaw nation? A No, sir
Have you ever voted in any of the Choctaw elections? A No, sir
Q Have you ever been recognized in any manner whatever as a citizen of the Nation? A No, sir, not to my knowledge, myself.
Are you a single man? A Yes, sir.

BY MR. [illegible]:
Q Harry, I didn't get your age, what was it? A I am not positive about it, somewhere like between 20 and 25.
Q You live now on whose place? A Vincent's place now.
Where is that? A In Sequoyah district.
How long have you been staying there? A About two years, I think, off and on.
How often on and how much off? A Something like three months at a time, and then go in the state and work about a month and come back.
Q How long have you lived in the state since you can remember?
A I can't tell you exactly, just in and out.
Q At what places in the state have you lived? A I have lived at, to my recollection, at Little Rock a short while.
Q Where else? A Pine Bluff a short while.
Q Where else? A I have had a trip or so to Memphis.
Q Just been living at different places? A Yes, sir.
Q Did you live on the Payne farm? when your brother lived there?
A Yes, sir.
Q Who with there? A I lived with him the biggest part of the while
Q How long has your mother been living on the Arkansas side with her husband? A She don't live there.
Q You mean to say they don't live together? A I don't mean to say they don't live together.
Q You are simply trying to place them in the attitude of her living over here to hold her right, if any they have? A Yes, sir.
Q Her home is really over there? A No, sir.
Q She stayed there the greater part of last week, didn't she, with her husband? A No, sir, I don't know of her being over there for two months.
Q Do you know an old colored fellow at Fort Smith by the name of Dillard? A No, sir.
Q Don't you know that Dillard was over at the farm last week and know that your mother was there with her husband? A No, sir.
Q Her husband lives on the Bowles place? A Yes, sir, he has got a crop there.
Q It is Colonel Bowles? A Yes, sir.

Q Did you performance hauled over at the farm there each year?
A No sir.
Q You were at the Bowles place? A I was there time or twice.
Q In going there they cross the bridge there at the Payne place?
A Yes,sir.
Q How long did you live on the Payne place? A I am living on the
Q I am speaking of the time you lived there? A I don't know how
long I lived there.
Q You don't know much about the Cherokee Nation, do you Harry?
A Yes,sir, I know about as much about it as any of the balance
of the family.
Q How long have you known George W. McLean? A I couldn't tell
you at all.
Q You have talked with him about your citizenship ? A No,sir
Q You are acquainted with him? A I knows him when I see him
Q Were you living on the Payne place when he moved from Argenta
to the Payne place? A I didn't know where he came from
Q Were you living there when he came to the Payne place?
I don't know anything about his coming there
Q Where were you living when you first got acquainted with him?
A I was living on the Alexander farm when I first saw him.
Q How long ago was that? A Something like five years ago.

JERRY VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jerry Vann
Q How old are you? A About 50
Q What is your postoffice address? A Howland.
Q Cherokee Nation? A Yes,sir.
Q Are you a Cherokee freedman? A Yes,sir.
Q Do you know the applicants in this case, Millie White and her two sons, Jim H. White and Harry White? A Yes,sir.
Q How long have you known them? A I knew the old lady and the old man somewheres about the latter part of '66 if I make no mistake.
Q That is, Millie and her husband? A Yes,sir.
Q Where were they when you first got acquainted with them? A On Grand River, there in a tent; I suppose fishing; they had fishing tackle.
Q You think that was sometime in what year? A In the laster part of '66, if I make no mistake
Q Where were you living then? A On Grand River, near Dr.McNair's
Q And this woman and her husband were living in a tent on Grand river? A Yes,sir.
Q How long did they stay there? A I don't know, Colonel, I noticed them there several times; may have been two or three months.
Q What was her husband's name? A Gib White.
Q Do you know how old this woman, Millie, is now? A No,sir, I don't.
Q About how old was she to the best of your knowledge when you first saw her in 1866? A I couldn't say, Colonel, she looked to be a middle aged woman, to my opinion; been a good long while; the old man looked to be older than the woman.
Q Did they have any children then? A Yes,sir , two little children, small little fellows.
Q Were they boys or girls? A Two little boys
Q Were they these biys? A Now, I couldn't say exactly that they were these boys they say they were the boys; it was a good while after that that I saw them again.
Q You don't know whether or not it was Jim and Harry? A No,sir I didn't know the children's names.

Q You cannot say about middle aged? A Yes,sir, she looked like middle age.
Q What do you mean by middle age? A [illegible] somewhere about forty, that I would call a middle aged woman.
Q Do you know how long they contemplated to live there? A No,sir I don't.
Q Where did you next see them? A Next I saw them when I came down from there to Fort Smith. I saw them here at the Fort Smith bridge.
Q Was that in the Cherokee nation? A Yes sir
Q Were they living there? A Yes,sir, camped on this side in a tent
Q About what year was that? A I don't remember whether it was 1879 or whether it was in 1880; it was between '79 and '80, and they said they were the same folks and I got acquainted with them again and they said they were the same folks that used to be on Grand river.
Q Do you know how many children Millie has now? A Four, I believe, I believe Jim and Harry and Little Kitty we called her, and Ruth and Annie, I believe that is all I know.
Q Well you say you again saw these applicants somewhere about 1880 when was the next time? A They have been living right there off and on ever since sometimes, I believe, I live six or seven miles from them now.
Q You don't know anything about Millie or her mother having been a slave of a Cherokee citizen before the war? A No,sir.
Q You don't know where she came from to the Cherokee Nation?
A No,sir, I don't.
Q The first you knew of them was on Grand river in 1866?
A Yes,sir.

By Mr Davenport:
Q That was Millie White and her husband? A Yes,sir, Gib and Millie White.
Q Have you since that time seen Gib White? A Yes,sir
Q Where is he living now? A Right below Gabe Payne's
Q What country? A They live in the, I believe, I don't know whether it is in the Territory or right on the line, live on the Bean farm.
Q Bean or Bowles farm, which? A My understanding it is the Bean.
Q How far do you live from them? A About seven miles.
Q Don't you know it is a farm that belongs to Bowles, who lives in Fort Smith? A Yes,sir, I know the Bowles farm, but I don't know whether they live there, but it seems--
Q I want to know what you know? A It seems that they rented the Bean farm from old man Alexand er.
Q How long have you lived in Sequoyah? A Since 1870
Q Did they live there when you went there? A Yes,sir
Q Didn't you say that was in '79? A I was, said '70, '79 or '80
Q Sometime in the past? A Yes,sir.
Q You said Gib and Millie had two children when you first met them? A Yes,sir.
Q That would have been, you saw them in 1866? A Yes,sir.
Q If it was in 1866, it would have been 38 years ago? A Yes, sir, about.
Q Don't you know that these boys are not 38 years old? A I don't know .
Q Don't you know that the applicant swore, herself, in the last half hour that she wasn't married then? A I don't know.
Q I am asking you if you didn't know it? A If I aint mistaken these are the people I seen.
Q And they were married when you saw them in 1866?

A They had two children. I couldn't say they were carried, I didn't see no children.
Q Were you first asked to about coming as a witness in this case? A I don't know they came up there something week before last.
Q Who came? A Jim, Robert?
Q Jim White? A Yes sir.
Q And then you thought it over and remember that you had been Millie and Bill White on Grand river? A Yes, I had talked, we had my wife, quite a while a week ago, they lived at one time right close to me and we talked about it several. Those boys spoke about we lived on Grand river.
Q How old were you then? A I don't know exactly.
Q How old are you now? A About 80.
Q The applicant in this case, Millie White, at the time you saw her and Bill White on Grand river was about a middle aged woman?
A Yes sir.
Q And had two children? A Yes, sir.
Q And both were boys? A Yes, sir.

By the Commission:
Q About what size or age would you have taken these children to be?
A I don't know, little little boys, small fellows looked like twins to me.
Q Were they 10 or 12 years old? A Might have been two years old, maybe not so old, I couldn't tell, maybe a little older.

ANDERSON TATUM, being first duly sworn testified as follows:

By the Commission:
Q What is your name? A Anderson Tatum.
Q How old are you? A Between 60 years old, the 31st day of December.
Q What is your postoffice address? A Roland
Q That is in the Cherokee Nation? A Yes, sir.
Q Are you a Cherokee freedman? A No, sir.
Q You are a state man? A Yes, sir.
Q Do you know the applicants in this case, Millie White and her sons, Jim H. and Harry White? A Yes, sir.
Q How long have you known them? A I have known Millie about 30 odd year, but these boys I know them since they were telerbly good sized boys.
Q Where was Millie living when you first got acquainted with her?
A In Alabama, when I first saw her.
Q Before or after the war? A Just at the breaking out of the war and after the war.
Q You saw her in Alabama after the war, did you? A Yes, sir.
Q Was she living there then? A Yes, sir, she was staying about; she was quite a small girl then; she was there with her mother and brother.
Q What was her brother's name? A Yancy Vinsent
Q Were Millie and her slaves of Cherokee citizens before the war?
A That is what they claim.
Q You don't know about that? A No, sir.
Q You knew them before the war? A Before it broke; in time of the war.
Q You first knew them during the war in Alabama? A Yes, sir. Tuscumbia.
Q How long after the war did they continue to live in the state of Alabama? A Not long; they came away from there along about the first part of '67 or latter part of '66; I came with the old lady and them to Corinth, Mississippi.
Q Do you know whether it was in 1866 or 1867? A I think it was in '66, I wouldn't be positive.
Q Before or after Christmas? A Before Christmas.
Q Who all came in that party? A Aunt Charlotte.

[illegible]

Q Do you know Will Vincent? A Yes,sir.
Q What was her father's name? A I didn't know him, never saw him in my life.
Q Have you known Will to ever admit she claimed to be Cherokee Indian? A Yes,sir.
Q Do you know where she has lived ever since you knew her? A No, sir, I couldn't tell that, often and so I could see her.
Q You don't know whether she has lived inside or outside of the Nation the most of the time? A No,sir, I could see her in the states sometimes and sometimes here in the Nation.
Q Have you known these boys since their birth? A No,sir, not since their birth. Jim was a good big boy when I first saw him, this one was the largest and this one was little.
Q Do you know where they and their mother have lived for the past 15 or 16 years? A In part: I was gone part of the time.
Q Where were they when you knew of them? A Sometimes I would find them in the Cherokee Nation and sometimes in the states.
Q That is the last 15 years? A Yes,sir, for the last 12 years they have been in about there.
Q Where? A Down in Sequoyah district.
Q When was the last time you saw them in Arkansas? A About a week ago.
Q Were they living there? A No,sir.
Q When was the last time you knew them to live in Arkansas; they give a crop in Arkansas and got a claim in the Cherokee Nation; their father has got a little crop there.
Q Their father is working a crop in Arkansas? A Yes,sir.
Q How long has he been there? A About five or six or seven months; he pitched his crop and moved from the Cherokee Nation; that is, his tolls, part of them; and part of them are in the Cherokee Nation.

By Mr. Davenport:
Q You knew the Vincent family in Alabama before the war? A In time of the war it was.
Q You knew they were not Cherokees or didn't claim to be? A ? Only what I was told.
Q The Vincent family didn't claim to be Cherokees? A I didn't know them in Alabama, just these colored people.
Q Didn't they live there? A That is what Aunt Charlotte told me.
Q How far were you raised from Tuskaloosa? Principally at Huntsville; I don't know exactly; we come from Birmingham; I was born close to Huntsville.
Q When you came to the Cherokee Nation, you say you come by the way of Chattanooga from Birmingham? A Yes sir.
Q How did you travel? A With a man who had some mules , trading
Q Just going g from point to point trading? A Yes,sir, when I first got in there I left him.
Q Were these people with you then? A Yes, no, sir, I found them at Tuscumbia.
Q How far did they come with you? A To Corinth, Mississippi
Q The war was over at that time? A Yes,sir, no fighting going on then.

[illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [

[illegible] examination.

By the Commission:
Q I believe you stated that you came to the Cherokee Nation at the same time that your brother, Jerry Vincent came? A Yes,sir
Q Then the testimony taken in his case would be the same as your case? A Yes,sir, not the same--
Q In regard to when you came to the Nation? A Yes,sir.

Commission: The testimony taken in Cherokee Freedmen D 1074 Jerry Vincent, et al., will be filed with and made a part of the record in this case.

Q You stated that when you first came to the Cherokee Nation you lived on Grand River, near Fort Gibson? A Yes,sir.
Q And that was in 1866? A Yes,sir.
Q Who were you living with there? A I a wagon, in a tent.
Q Who with? A A man that stopped sick-so-a-while with my mother a while.
Q You were with your mother? A Yes,sir.
Q And Jerry? A Yes,sir.
Q And you lived there about a year, you stated? A Yes,sir
Q Then where did you go? A Over on the Arkansas river, right straight fishing again.
Q And you lived there how long? A About a year again I reckon
Q Then where did you go? A Went off again fishing, I know she went to the Choctaw Nation, I think twice, backwards and forwards.
Q About how many years was it after you came to the Cherokee Nation in 1866, until you married? A I married after I got rid of an aged--
Q About how many years, three, four, five, about how many years?
A It must have been five years, or four, my husband said I was 15
Q You had never had any children before that? A No,sir, I was too little.
Q Where do you remember of first seeing Jerry Vann in the Cherokee Nation, this witness that has testified in your case? A I seed him once at the river, where we were fishing.
Q What river? A It must have been the Arkansas River, I think it was the Arkansas River; I know he came there once, a small boy, and I saw him, I think,at Gibson; I seed him twice and then I never saw him any more for a good while and when I saw him again--
Q About how old was he when you first saw him, a grown man?
A No,sir, not what I call grown.
Q About how old? A A good tall boy.
Q Can't you state whether he was grown or not. A No,sir.
Q Have you any other witnesses that you want to introduce in this case? A No,sir, I don't think I need any more.

Commission: The applicants and the attorney for the Cherokee Nation state that they have no further evidence to introduce in this case, and the case is, therefore declared closed.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he

reporting the proceedings and in the above entitled cause, and that the above and foregoing is a true and correct transcript of the stenographic notes thereof.

(Signed) E. E. Young.

Subscribed and sworn to before me this the 10th day of August, 1904.

(Signed) Chas. H. Sawyer
Notary Public.

(S E A L)

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Lucy M. Brennan

Subscribed and sworn to before me this 20th day of August, 1904.

Chas. H. Sawyer

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 6, 1906.

In the matter of the application for the enrollment of Millie White et al. as Cherokee Freedmen, consolidating the applications of:

Millie White ----------Cherokee Freedman-R-317,
Jim W. White ----------Cherokee Freedman-R-320,
Harry White ----------Cherokee Freedman-R-321,
Annie Thomas ----------Cherokee Freedman-R- 83,
Yancy Vincent ----------Cherokee Freedman-D-1066.

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On February 10, 1906, Neal & London, attorneys for the applicants, and Bell, Hastings & Davenport, attorneys for the Cherokee Nation, were notified that the matter of the application for the enrollment of Millie White et al. would be taken up for hearing on March 6, 1906, at 9:00 o'clock A. M..

On this, the 6th. day of March, 1906, the applicants appear not, either in person or by attorney, and the Cherokee Nation represented by William W. Hastings. No request for continuance has been received from the applicants or their attorneys.

Ben White, being first duly sworn, testified as follows:

Q. What is your name? A. Ben White.
Q. What is your post office address? A. Rowland, Indian Territory.
Q. What is your age? A. I will be 47 the first of June.
Q. Do you live in the Cherokee Nation? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. Where does he live? A. He lives in the Cherokee Nation.
Q. How far from you? A. He lives a little over a mile from me
Q. Do you know Millie White? A. Yes sir.
Q. Is she a colored woman? A. Yes sir.
Q. How far does she live from you? A. I guess she lives about two miles or more.
Q. What relation are Millie White and Yancy Vincent? A. Brother and sister.
Q. Which is the older? A. Millie.
Q. How long have you known Millie White? A. Ever since I was a little bitty fellow---ever since I could remember anybody.
Q. Where did you know her? A. In North Alabama.
Q. How long have you known Yancy Vincent? A. We were just little boys directly after the surrender. I have known him ever since we were little bitty fellows.

Q. Were you a slave? A. Yes sir.
Q. To whom did you belong? A. Drewey Vincent.
Q. Where did you live? A. In North Alabama.
Q. Near what town? A. Seven miles east of Tuskumba and two miles west of Leighton.
Q. Who did Millie White and Yancy Vincent belong to? A. I always knowed that they belonged to the same man that I belonged to.
Q. When you could first recollect they were living there? A. Yes sir.
Q. When you knew them were they living there? A. Yes sir, and they went by the name of Vincent.
Q. How long did they continue to live there in North Alabama?
A. They lived there up to '81.
Q. How long did you live there? A. Till '81.
Q. Where did you go to then? A. After I left Alabama.
Q. Yes? A. I come to Arkansas.
Q. What place in Arkansas? A. Pine Bluff.
Q. Did you know Commi-si ner Breckinridge? A. Yes sir.
Q. Did you and Millie White and Yancy Vincent move there together from Alabama? A. I come in August, Yancy come in November, and Millie at Christmas in '81.
Q. How long did you stay at Pine Bluff? A. I come to the Cherokee Nation in 1893.
Q. Which came first, you or Millie White and Yancy Vincent?
A. I come on the train and brough Millie with me. Yancy come through the country.
Q. Had Millie Married? A. Yes sir.
Q. Where did she marry? A. In North Alabama.
Q. She was married when she came to Pine Bluff? A. Yes sir.
Q. Where did Yancy marry? A. In Arkansas, near Pine Bluff.
Q. Was Yancy ever married more than once? A. Yes sir.
Q. Was he married the first time at Pine Bluff? A. No sir, he was married in North Alabama.
Q. What became of his first wife? A. She died after they come to Arkansas, down there about Wabeeska.
Q. And he married the second time at Pine Bluff, Arkansas? A. Yes sir.
Q. Did you live in the town of Pine Bluff? A. No sir, I lived six miles in the country.
Q. Where did these people live? A. When they first stopped they were on the Trulock place near Wabeeska, and then they went from there to the Cherokee Nation.
Q. You said you brought Millie along on the train? A. Yes sir.
Q. Did her husband come along? A. He come through the country
Q. What was her husband's name? A. Gib White.
Q. Was she ever married but the one time? A. No sir.
Q. Do you know Millie White's children? A. Yes sir.
Q. Do you know one by the name of Jim H. White? A. Yes sir.
Q. Is he married? A. Yes sir.
Q. Do you know his wife's name? A. Sarah.
Q. Has he any children? A. Yes sir.
Q. How many? A. I think he has got about four.
Q. Do you know their names? A. No sir, they are small. They all have nicknames, and I don't know them.

Q. Do you know any of the others of Willie White's children? A. Yes sir.
Q. What are their names? A. I know Harry.
Q. Where was Harry born? A. In North Alabama.
Q. Do you know where Jim W. Was born? A. In North Alabama.
Q. Have they a younger child named Viola? A. Yes sir.
Q. Where was she born? A. In North Alabama.
Q. All three of these children were born in North Alabama? A. Yes sir, and one named Annie, too.
Q. Have they got another on by the name of Annie? A. Yes sir, and one by the name of Ruthie.
Q. Where is Annie living? A. She is staying on Mr. Payne's place.
Q. Who did she marry? A. Bill Thomas.
Q. Is he a Freedman? A. Yes sir.
Q. He married Annie White? A. Yes sir.
Q. They were married down here in the Cherokee Nation? A. Yes sir.
Q. Where was Annie Thomas born? A. In Alabama.
Q. Did you say that you brought Willie White with you on the train when you came in '93 from Pine Bluff, Arkansas? A. Yes sir, I come with her.
Q. Had she ever been in the Cherokee Nation before? A. Not that I know of.
Q. They never claimed then that they belonged here? A. No sir, not as I heard.
Q. They never claimed then to be citizens of the Cherokee Nation?
A. If they did I din't hear them.
Q. When did Yancy Vincent come to the Cherokee Nation? A. In '93, in August.
Q. Was it before or after you came? A. After. I came in February.
Q. Where did he leave when he came here? A. Down there about a place they call----down below Webbeska?
Q. How far from Pine Bluff? A. I don't know how far it is. He worked down there in some shingle mills.
Q. Has Yancy Vincent a family? A. Yes sir.
Q. You say he married his second wife at Pine Bluff? A. Yes sir.
Q. Did he have any children by his first wife? A. Yes sir.
Q. What are their names? A. Lish, Matilda, and William Yancy.
Q. Did he have a child by his first wife named William Yancy?
A. Yes sir.
Q. Where is he? A. He died. He and his mother both died down there.
Q. Has he any children by his last wife? A. Yes sir.
Q. Do you know their names? A. No sir, I don't know them--- I mean I don't know their names. He has three or four there. They are small. I have got the name of one of them right on my tongue, but I can't call it.
Q. Is one named Colwest? A. Col--- that is it. I do not know about any but Col, but he is going to school with my children.

COMMISSION:

Q. How old do you say you are? A. According to the way my age is given to me, I will be 47 the first of June of this year.

Q. Who was the mother of Millie White? A. Her mother was named Charlotte.
Q. Did you come with Millie White and Yancy Vincent from Alabama to Arkansas? A. I did not come with them, but they came to Arkansas in the same year.
Q. Who came first? A. He. I got there first.
Q. When did you come? A. In '61.
Q. Did you know Millie White and Yancy Vincent all the time from the war up to the time you came to Arkansas? A. I knew them ever since directly after the surrender.
Q. Did you know them continuously? A. Yes sir.
Q. How near did you live to them? A. Sometimes on the same place, and sometimes just be moved off to other places, like people do.
Q. Could they have gone away for about a year at the close of the war and you not know anything about it? A. Yes sir.
Q. Could they have gone away for more than a year and you not know it? A. They might have gone for two years.
Q. Did they ever tell you that they had been to the Cherokee Nation prior to 1861? A. No sir.
Q. Did you meet them often? A. Yes sir, excusing the two years I have spoke about. At that time I was up on the Tennessee river.
Q. You visited at their houses? A. No sir, but I saw them at church.
Q. Did you ever take any meals at their houses? A. No sir.
Q. You never heard them say anthing about being in the Cherokee Nation? A. No sir.
Q. Did you ever live in Argenter? A. No sir.
Q. Did you ever live in Little Rock? A. No Sir.
Q. Are you an applicant before this Commission as a Freedman? A. No sir, I am a state man.
Q. Have you ever made any application before this Commission
A. No sir.
Q. When did you first find out that Millie White and her relatives had made application as Cherokee Freedmen? A. Let me see--- I do not know. I couldn't tell just exactly when, but I have been hearing it a good while.
Q. About when did you hear it first? A. It has been two or three years, I reckon.
Q. Did you tell anyone at the time you heard this that these people were living in Alabama at the time of the war? A. No sir, nobody never asked me about it.
Q. When were you first asked to testify in this case? A. I believe last year.
Q. Who asked you? A. I believe Mr. Frank Morgan asked me if I knewed them in Alabama, and I told him--yes, I knewed them.
Q. Have you ever had any trouble with any of these applicants.
A. No sir.
Q. Are you good friends? A. Yes sir.
Q. How near do you live to them? A. I live about a mile from Yancy---it may be a few steps over a mile, but we call it a mile.
Q. Did you ever talk to Yancy about this case? A. No sir.
Q. Did you ever talk to Millie White about it? A. No sir.

Mr. Hastings:

Q. You are sure you are not mistaken? A. No sir, I know these people.

Q. You understand do you that you are under oath? A. Yes sir.
Q. You swear positively that you know of your own knowledge that from about two years after the war up to 1881 these people lived in Alabama? A. Yes sir, excepting the two years that I was up on the Tennessee river.
Q. Then, with the exception of two years after the war up to 1881 you know that these people lived in Alabama? A. Yes sir.
Q. They might have been in the Cherokee Nation those two years after the war? A. They might have been but I never heard of it.

CONVERSION:

Q. Where were you when you can first remember? A. I was living there with Vincent.
Q. With your old master? A. Yes sir.
Q. Where was Millie White at that time? A. She was on the place. I was his servant-- to wait on him, and Millie was on the place.
Q. Where was Yancy Vincent? A. He was on the place, too.
Q. Was Millie White married when you can first remember? A. Yes sir, they said that she was married.
Q.. Did you go away from there a year or two after the war? A. I left and went up on the Tennessee river and stayed. two years.
Q. How far from where you had been living? A. About 12 miles.
Q. When you came back were these people still living there? A. I didn't see Yancy, but I saw Millie.
Q. How long after you came back? A. About six months. You know a boy running around, like me, nobody could keep him at home. But I saw Yancy about six months after that.
Q. Had the war closed when you left there? A. Oh! yes sir, that was after the surrender.
Q. How long after the surrender was it that you went up on the Tennessee river? A. I went up there in '70.
Q. Then up to '70 from your very earliest recollection Millie White and Yancy Vincent were there on old man Vincent's place?
A. Yes sir.
Q. You said that they belonged to the man to whom you belonged?
A. Yes sir, I always heard that they belonged to Vincent.
Q. They went by the name of Vincent? A. Yes sir.
Q. What was their mother's name? A. Charlotte.
Q. What name did she go by when you can first remember? A. Vincent.
Q. Did she belong to the same party? A. Yes sir. I have always heard so.
Q. She was living there when you can first remember? A. Yes sir.
Q. What was her name---was she married--- this Charlotte?
A. No sir, she didn't have no husband. She was sold from her man and he was sent to Tennessee.
Q. Did Charlotte ever come to this country? A. No sir, she died in Jefferson County, Arkansas, in '93.
Q. Did she come out there with Millie White and Yancy Vincent in '81? A. Yes sir.

Q. She never was here, then? A. I never heard it mentioned that she ever was here.
Q. You never heard it claimed that she was? A. No sir, I never heard Cherokee Nation named among them, and I never heard them claim to be Cherokees at all.
Q. You have always been known as the slaves of this man Vincent, to whom they belonged? A. Yes sir.
Q. You do not know how old you were when you first remember, but you have known them ever since you could know anything?
A. Yes sir. I do not know just exactly how old I am, for I take it from what the others gave me and count it the best I can
Q. You say you belonged to Vincent? A. Yes sir.
Q. In Alabama? A. Yes sir.
Q. What was he -- a white man? A. Yes sir.
Q. Did you know a man called Ben Johnson in Alabama? A. No sir
Q. Millie White says that she was the slave of Annie Johnson, the wife of Ben Johnson, and that Annie Johnson was a Cherokee. Is that true? A. I didn't know this fellow Johnson.
Q. Did a man by the name of Johnson ever own any slaves there, that you know of? A. Not that I know of. I never heard it at all.
Q. If Millie White had been the slave of a man called Ben Johnson would you have known it? A. I spect so, for I knew who they say she did belong to.
Q. Did you know her throughout the war? A. No sir, I was too little. About the second year after the surrender I commenced knowing people, just like children do. I was born in time of the war.
Q. Do you swear that Millie White was the slave of a man called Vincent? A. I have always heard that, and she went by that name.
Q. Was Millie White living on the place of this man Vincent during the war? A. Yes sir, when I come to know her.

WITNESS EXCUSED.

W. J. Davis, being duly sworn, testified as follows:

Q. What is your name? A. W. J. Davis.
Q. What is your age? A. I am 52.
Q. Have you been sworn? A. Yes sir.
Q. What is your post office address? A. Rowland, I. T.
Q. Do you know Millie White? A. Yes sir.
Q. Do you knew her husband, Gib White? A. Yes sir.
Q. Do you know Yaney Vincent? A. Yes sir.
Q. When and where did you first know Millie White and her husband Gib White? A. I knew them in Jefferson County, Arkansas, at Pine Bluff.
Q. When did you know them down there? A. I got acquainted with them in 1890.
Q. What is your business? A. Well, I farms a little, and preaches some.

Q. Were you preaching down there in Arkansas? A. Yes sir.
Q. Were they members of your church? A. I was a licensed preacher at that time, but sometimes I preached at the church of which Gib White was a deacon.
Q. Where were they living then? A. On Jim Trulock's place.
Q. Did you know his family? A. Yes sir.
Q. Do you know the names of any of his children? A. He has a son named Jim, one named Harry, a girl named Annie, and I forget the other girl's name. I know four of his children.
Q. Do you know Ruthie? A. Yes sir. Ruthie is a older girl than Annie.
Q. Do you know Viola? A. Yes sir, she is next to the baby.
Q. Were they living with their father and mother in 1890, in Arkansas? A. Yes sir, they were there. I met them in sunday school many a time.
Q. Who came to the Cherokee Nation first, you or them? A. I come first. I come to the Cherokee Nation in 1890, the fall of 1890, and I left them on Jim Trulock's place. I come here to Muskogee and preached, then went to Vian and they called me as their pastor, and after that I went back to Pine Bluff to move my wife here and I told them the Cherokee Nation was a nice place. I taught sunday school that day, and from my talk they found out that I had been in the Cherokee Nation and after sunday school I was talking to several of them about this country, and Gib White said he believed he would move out here. While I was talking to them I told them I had been called pastor at Vian.
Q. Was Millie and Gib White among those you told about the Cherokee Nation? A. Yes sir, they were on the ground.
Q. Did they know before of the Cherokee Nation? A. If they did I don't know it.
Q. Did they claim at that time to have ever been here? A. No sir.
Q. Did you, after that time, come to the Cherokee Nation? A. Yes sir, I come back in '91.
Q. When did you first see them up here after that? A. I seed them in the Cherokee Nation in '93.
Q. Do you know how long they had been here when you first saw them---did they say anything about when they came? A. Yes sir, the first time I met up with them after they come, I went over to Fort Smith, and I had the pleasure of meeting up with Gib White and he said to me "I am glad to see you. I am living in the Cherokee Nation now, I come week before last."
Q. That was in '93? A. Yes sir.
Q. Did you know Millie White's mother? A. Yes sir.
Q. Do you know her brother, Yancy Vincent---did you know him in Arkansas? A. Yes sir, I seed him there, but me a being a preacher and him a sinner, I didn't know him very well.
Q. About when did you see him up here? A. I think it was in 1895 or 1896. I think Gib was here two or three years before I saw Yancy.
Q. Did you ever hear them say in Arkansas where they were from--to whom they had belonged? A. No sir, I never heard them say anything about it.

COMMISSION:

Q. The first time you got acquainted with Millie White was in 1890? A. Yes sir.
Q. You knew nothing of their history prior to that time? A. No sir.

Q. Where did you say met these witnesses? A. On the Freedman's place, near Fine Bluff.
Q. Do you know Sam White of Sam Bayou? A. I know one Sam White. He is a baptist preacher.
Q. How old a man do this Sam White? A. I don't know, sir. He is enough older than me. I think he is about 60 or 70 years old.
Q. Are you an enrollment here as a Cherokee Freedman? A. My wife is, but I am not.
Q. What is your wife's name? A. Julia. She was a Johnson before I married her.

WITNESS RECALLED.

Lewis Johnson, being duly sworn, testified as follows:

MR. KEELING.

Q. What is your name? A. Lewis Johnson.
Q. What is your age? A. About 55.
Q. What is your post office address? A. It has been Bengs, but it is Rowland now.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. That is in the vicinity of Fort Smith? A. Yes sir.
Q. How long have you lived in that vicinity? A. I have lived there all my life.
Q. How far do you live from Fort Smith? A. About four miles west.
Q. That is known as the Fort Smith Bottom? A. Yes sir.
Q. To whom did you belong before the war? A. Ben Johnson.
Q. Where did Ben Johnson live? A. Just this side of the river, just this side of Fort Smith.
Q. Were you living there with him when the war came up? A. Yes sir.
Q. Do you know Millie and Gib White? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. Do you know their families? A. Yes sir.
Q. Do you know Jim White, the son of Gib White? A. Yes sir.
Q. Is he married? A. Yes sir.
Q. Do you know Harry White? A. Yes sir.
Q. Is he also a son of Millie and Gib White? A. Yes sir.
Q. Is Yancy Vincent a man of a family? A. Yes sir.
Q. How far do these people live from you --- do they live in the same neighborhood? A. Yes sir. Vincent lives about a half or three quarters of a mile from me.
Q. How far does White live from you? A. I think they call it about five miles.
Q. How long have you known Millie White and Yancy Vincent and their families? A. I have known Gib White ever since about '93 or '94.
Q. Do you know where he came from there? A. No sir, I don't know where he came from. He said he came from the states.
Q. When did you get acquainted first with Yancy Vincent? A. I guess it was about 1893.
Q. Do you know where he came from? A. He said the same thing --- that he came from the states.
Q. From what state? A. He said "down in the states".

Q. Did you ever know their mother? A. No sir.
Q. You never knew Charlotte? A. No sir.
Q. Did you ever know Willie before 1893 or 4? A. No sir.
Q. Did you ever know Yaney Vincent before 1893? A. No sir.
Q. Did they or their mother ever belong to Ben Johnson? A. No sir, not that I know of.
Q. Did you ever hear of Charlotte belonging to Ben Johnson?
A. No sir.
Q. Did you ever see either of them at Ben Johnson's place prior to the war? A. No sir.
Q. Did you ever hear of Ben Johnson hireing out a slave ever in the state of Alabama? A. No sir.
Q. Did you ever hear of him hireing out Charlotte, the mother of Willie and Yaney, to a man named Curd Vincent in the state of Alabama? A. No sir.
Q. Did Ben Johnson own a slave at the beginning of the war by the name of Charlotte? A. No sir.
Q. Did he own one by the name of Yaney? A. No sir.
Q. Did he own one by the name of Willie? A. No sir.
Q. You never knew Sib White and his wife before 1893? A. No sir.
Q. And you never knew Yaney Vincent before 1893? A. No sir.
Q. Did you know all the colored people in the bend of the river?
A. Yes sir, I know all that live there.
Q. Prior to that time it was more or less thinly settled? A. Yes sir.
Q. You have lived there before the war and after the war continuously, all the time? A. Yes sir.
Q. And you never saw Willie White before 1893 and Yaney Vincent before 1893? A. No sir.
Q. What was your mother's name? A. Mary.
Q. Did your mother ever have a sister by the name of Charlotte?
A. I never heard of it.
Q. How old did you say you are? A. About 53.
Q. Do you remember your mother? A. Yes sir.
Q. Was she living when the war came up? A. Yes sir.
Q. When did she die? A. Since the war.
Q. Was she living at Ben Johnson's? A. Yes sir.

COMMISSION:

Q. You said you were the slave of Ben Johnson — was he a Cherokee Indian? A. Yes sir.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. On the final roll? A. Yes sir.
Q. Have you filed? A. Yes sir.
Q. Get you deed yet? A. No sir.
Q. When did you file? A. I think it was somewhere along about the 24th or 25th. of August.
Q. How many slaves did Ben Johnson have when the war broke out?
A. I don't know how many?
Q. Have not you some idea how many? A. A. No sir.
Q. Did he have a large number or just a few? A. He had a large number.
Q. Did you know any of them personally? A. Yes sir, I knowed every darky he had.
Q. Do you know whether Johnson hired out any of them about the beginning of the war? A. No sir, he didn't that I know of

Q. What is in the habit of hiring slaves out? A. Well, there was one woman there by the name of Peg Gary. He hired her out to Jack Smith, and she is the poliest one that he hired out that I heard of.
Q. How far was that from his home? A. Just right across the river.
Q. Do you know Mandie Thomas? A. Yes sir.
Q. What is her husband's name? A. Bill
Q. What is his mother's name? A. Sarvie West, now.

WITNESS EXCUSED.

Sam White recalled.

Mr. Hastings:
Q. You were subpoenaed up here as a witness? A. Yes sir.

WITNESS EXCUSED.

Sam White, being duly sworn, testified as follows:

NEAL & LONDON:

Q. What is your name? A. Sam White.
Q. How old are you? A. 78 last Saturday.
Q. Where did you live shortly before the outbreak of the war?
A. My home was in Newton County, Missouri, but I was living in Van Buren. I came there in 1844.
Q. Are you acquainted with Millie White? A. Yes sir, I have met her. She was a small girl though, when I saw her.
Q. Do you mean when you first saw her? A. Yes sir.
Q. Were you acquainted with her mother? A. Yes sir. I was very well acquainted with her mother
Q. What was her mother's name---she did her mother belong to?
A. Mr. Johnson.
Q. Did she belong to Mr. Johnson? A. She belonged to the Johnson family--she belonged to Mrs. Johnson.
Q. Were you acquainted with the mother of Millie White? A. Yes sir.
Q. When did you first know her? A. I think the first time I saw her was --- the first time that I remember of seeing her was in '55.
Q. What was Millie White's mother's name? A. Charlotte. I believe it was in '55 the first time I saw her.
Q. It was some time before the war? A. Yes sir. A good while before the war.
Q. At that time, you say she was the slave of the Johnsons? A. She belonged to the Johnson family, and I learned that she belonged to Mrs. Johnson.
Q. Do you know where she was at the outbreak of the war of the Rebellion? A. She was around home, I reckon.
Q. Do you know anything about the circumstances of her going to Arkansas? A. Yes sir.
Q. What do you know about it? A. I must tell you in my own way. Before the war you know the negroes that belonged to the different owners who could were permitted to preach to the

colored people. I was preaching to the colored people at Mr. Johnson's, in other words, I mean to say, that Mr. Johnson had me to preach to his slaves just before he was going away with some of them, he had me to go over and preach to the Starr negroes.

Q. Well, you went over there and preached? A. Yes sir, that was about the time she was going to leave to go to Alabama.

Q. If at that time you had any conversation with the master or mistress of of Charlotte about her removal to Alabama, tell us about it. A. I didn't have any conversation with Mr. Johnson about it at all. Mrs. Johnson said Charlotte was her favorite negro. She had come by her from her mother's estate and she didn't want to part with her. There was some sort of a debt that Mr. Johnson wanted Charlotte to go for so as to liquidate that debt . Mrs. Johnson wouldn't sign the bill of sale, so Mr. Johnson hired Charlotte to this man to liquidate the debt some way or other, and I was in there preaching and Mrs. Johnson wanted me to console Charlotte by letting her know that she would come back home again. So she went away under those circumstances, and that is all I heard Mrs. Johnson say about it.

Q. Did you see the man, Vincent, who was to take her away? A. I did not. Seen after that time these people got away to Alabama-- that is, I mean to say in other words, I was told that they went away to Alabama. I never saw Charlotte any more for several years.

Q. Did you see her any more before the war? A. No sir, I didn't.

Q. After the war when did you first see this woman---Millie White --- under what circumstances? A. The first time that I saw Millie after that was at Fort Gibson. I will have to tell it in my own way so you can get at it. I was detailed as a recruiting officer in the army, and there were a good many colored people at Fort Gibson, and I went down to their camp hunting up names, and I found Millie down there. To use her language, she told me she was just on her return to her home.

Q. Do you mean Millie, or the mother of this Millie? A. I do not mean Millie, but Charlotte Johnson.

Q. When was that? A. That was in '65 I think.

Q. Did you see --- you say you saw her in Fort Gibson in '65? Did you see her the next year? A. Yes sir. In '66 we organized a church down at what is commonly known as Jacktown.

Q. In the Cherokee Nation? A. Yes sir.

Q. Is Fort Gibson in the Cherokee Nation? A. Yes sir, I suppose so.

Q. About when did you organize that church? A. I think, as well as I can remember, that it was in August of '66.

Q. State whether or not at that time, as pastor of that church, Charlotte Johnson, the mother of Millie White, joined your church? A. She did.

Q. You think it was in August, '66? A. Yes sir, I think so.

Q. After that time how long did you know Millie? A. I didn't say Millie. I just preached there that year and until about the middle of '67, then I went to Pine Bluff.

Q. After then how long was it until you renewed your acquaintnace with Millie White---- I mean Charlotte Johnson?

A. Well, I don't know.

Q. Are you sure of the fact that this Millie White, the applicant herein, and the woman that came with you this morning, is the daughter of Charlotte Johnson? A. Yes sir.

Q. Are you acquainted with her brother, Yancy Vincent? A. Yes sir, I have seen Yancy, but to say to know him, I couldn't.
Q. Did Charlotte have any children when she came back after the war? A. Yes sir, she had a good sized little girl.
Q. Did she have any other children? A. She had a little boy with her, but he has grown out of my knowledge.
Q. You do not know whether that boy is Yancy Vincent or not?
A. I just know what they say about it.

MR. [illegible]:

Q. Where do these people live now? A. Down here in the Cherokee Nation somewhere.
Q. Have you been to their places? A. No sir.
Q. Did you ever see them living in the Cherokee Nation? A. Yes sir.
Q. When? A. Well, it has been --- I don't know exactly how many years ago. They used to live right above Mr. Stenerson's
Q. How long ago now? A. 8 or 10 years ago.
Q. Did you ever see any of these applicants living in the Cherokee Nation prior to 8 or 10 years ago? A. Yes sir, I saw their mother.
Q. Where? A. She lived there up above or up on Garrison Creek.
Q. When? A. They lived up there in '72 ---'71 or 2.
Q. Who lived up on Garrison's Creek? A. Millie White's mother
Q. Charlotte Johnson? A. Yes sir.
Q. How far is that from Fort Smith? A. It is about 7 or 8 or 10 miles.
Q. Was Millie White living with her mother then? A. I don't know whether she was living with her mother or not.
Q. What was Charlotte Johnson's husband named in '72? A. Well now, I don't know whether she had a husband or not.
Q. Were you at her house then? A. Yes sir.
Q. Where did she live in '72? A. I don't know if I could tell you exactly where she lived except you know where old man Jack Campbell lived? She lived about three miles from there.
Q. What direction? A. South or southeast.
Q. Was that down the creek? A. No sir, it was in this direction.
Q. That would have been on the south side of the river, wouldn't it? A. No sir, It was on the north side of the river.
Q. You do not know whether she had any family living there with her or not at that time? A. She had a boy there.
Q. What was his name? A. She called him Yancy.
Q. And you saw Yancy there living with her in '72? A. Yes sir
Q. When did you see her next after '72? A. Q. I didn't see her any more.
Q. When did you next see Millie White? A. I don't remember seeing her any more to know her until a few days ago.
Q. What kind of a house did they live in? A. A little log house. It was on a man's place by the name of McKibben. McKibben was running the farm.
Q. Did McKibben own the farm? A. I don't know whether he owned it or had it leased.

Q. How far was this cabin from the river? A. I expect it was a mile or two.
Q. Did you ever see this Charlotte in Pine Bluff? A. No sir
Q. Did you ever see Millie White there? A. No sir.
Q. Did you ever see Yancy there? A. No sir.
Q. Did you ever live in Pine Bluff? A. I have been there a while, but it was never my home.
Q. What was Ben Johnson's wife's name? A. I couldn't tell you.
Q. Did Ben Johnson have any children? A. Yes sir.
Q. What were their names? A. He had one son named Ben, and two more boys, but I couldn't call their names.
Q. What kind of a house did Ben Johnson live in? A. A double log house.
Q. Did this slave belong to Ben Johnson's wife? A. That is what I understood. That is what Mrs. Johnson told me.
Q. But you never saw her at Ben Johnson's house after '65? A. No sir.
Q. Did you know that she was living in Tuskumba, Alabama? A. No sir.
Q. Are you a Cherokee Freedman? A. No sir.
Q. How old was Millie in 1865? A. I do not know, sir.
Q. About how big was she-- was she born? A. Yes sir, she was born.
Q. How large was she? A. She was a small girl.
Q. How old was she? A. I couldn't tell you. To look at her, she looked like she was 6 or 7 years old.
Q. How old was Yancy in '65? A. I never saw Yancy---When I first saw him he was about 5 or 6 years old.
Q. Where were they when you first saw him? A. In a tent at Fort Gibson.
Q. Where were they? A. Down in what was known as the counter-bine camp.
Q. Was Millie married at that time? A. Not that I know of.
Q. Was her husband there? A. She wasn't married that I know of.
Q. How long were they there? A. Not long.
Q. One day? A. Longer that that.
Q. Was the war over? A. In '65? Yes sir.
Q. When did you see them next? A. In 72.
Q. Where did you see them then? A. They were down at the church --- I mean, that is to say, Charlotte was at church.
Q. You never saw Millie? Nor Yancy? A. I never saw Millie --- I had saw Yancy I reckon, but I never saw Millie from the time that she come down with her mother to church till I went to Pine Bluff and back.
Q. Did you see her in Pine Bluff? A. No sir,
Q. When did you come back from Pine Bluff? A. In '74.
Q. Then where did you see her in '74? A. In Jacktown.
Q. Was she living there? A. I dont know. She was there at church.
Q. Did you see her frequently after that? A. No sir, for I quit preaching there. The next time I saw her she was in Van Buren.
Q. Was she living there? A. No sir, she was on a visit.
Q. When you saw them up here at Fort Gibson, how did they say they ever got back from Alabama? A. They said that Mr. Vincent sent them back.
Q. Did Ben Johnson have any other slaves? A. Yes sir.

Q. Were some of them? A. Well, he had -- that is --- I mean to say that Mrs. Johnson had two more slaves.
Q. What were their names? A. Mariah and Rebecca.
Q. Were they the only slaves about the place? A. They are all I see.
Q. Did Ben have any slaves? A. I don't know.
Q. Then you only saw Mariah, Rebecca and Charlotte there the last time? A. Yes sir.
Q. You preached there? A. Not at the house but came.
Q. You didn't see any other negroes? A. I saw some more, but I didn't know whether they belonged to Mr. Johnson or not.
Q. You do not know who they belonged to? A. No sir, all I know is what Mrs. Johnson told me.
Q. That was in '66? A. Yes sir. She told me just before they left home. That was in '55 I think, but I am not so sure about it.
Q. What year did you say it was? A. '54 or '55, just before the war commenced.
Q. How many years before the war? A. It must have been 10 or 11 years before the war.
Q. That is your best judgment? A. Yes sir.
Q. How many years after the war was it till you saw them back here again? What I want to learn is this---how long after the war was it that you saw Charlotte, Millie and Yancy? A. I saw them during the war.
Q. I want to know how long after the war? A. I saw them in '66---they were down here at Jacktown.
Q. What time in '66? Do you mean to swear on the stand that you know these people did belong to Ben Johnson's wife, and that you saw them here in the Cherokee Nation in '66? A. I mean to say that.
Q. You are a slave yourself? A. Yes sir.
Q. You are a preacher? A. Yes sir.
Q. When did you first see Millie White's husband? A. I don't know that I ever saw Millie White's husband.
Q. Has she got any children? A. Who?
Q. Millie White? A. I don't know.
Q. When did you first see Millie White after '66 in the Cherokee Nation? A. I saw her, as I remember, about the time that we were carrying on a revival at Jacktown, in August.
Q. Where did you next see her? A. I think I next saw her in Van Buren.
Q. Did you ever see any of her children? A. If I did I didn't know it.
Q. Did you ever see her husband? A. I do not know if I have ever saw her husband.
Q. Do you know her husband's name? A. No sir.
Q. Do you know where Yancy Vincent was married? A. No sir.
Q. You do not know that he was married in Alabama? A. No sir
Q. You didn't know that his wife died at Pine Bluff? A. No sir
Q. How long has Yancy been living in the Cherokee Nation? A. I don't know.
Q. When did you see him in his house in the Cherokee Nation? A. I never saw Yancy Vincent keeping house anywhere.
Q. Were you ever at Millie White's house? A. No sir.
Q. Where did Charlotte die? A. Up there in the Nation some where.
Q. On whose place? A. I don't know.
Q. Don't know that she died at Pine Bluff, Arkansas? A. No sir, I don't.

Q. Will you swear that she did not die at Pine Bluff, Arkansas?
A. I will swear that if she did I don't know it.
Q. Where did you ever see her living in the Cherokee Nation after the war? A. She was up here on Sarrhada Creek.
Q. That is three miles southeast of the Jack Campbell place?
A. Yes sir.
Q. You do not know Mrs. Johnson's name? A. No sir.
Q. And you do not know any of the slaves except those you mentioned? A. No sir.
Q. Who was Charlotte Johnson living with when you saw her there?
A. I don't know who she was living with. She was living in a cabin there, and I come by and stopped. I was working at that time for Mr. McKibben.
Q. You did not see her children then? A. No sir, I just stopped there. I was working for Mr. McKibben.
Q. You didn't see any man about the place? A. I don't think I did.
Q. Did she die right there? A. I don't know.
Q. You do not know whether she had any husband or not? A. No sir.
Q. How old was this Charlotte Johnson when you saw her before the war? A. She was a grown woman.
Q. Do you think she was 20 years old? A. I suppose she was.
Q. What is your best judgment? A. I suppose her to be about 20 years old.
Q. Yancy was not born then? A. I reckon not.
Q. What is your post office address? A. Van Buren, Arkansas.

CROSS-EXAMINATION:

Q. You say you first saw Charlotte Johnson about the year '55?
A. Yes sir.
Q. When did you next see her? A. I saw her again ---the first time I saw her was in '55, and then I saw her again just about the time or a little before she left home.
Q. She left the Cherokee Nation about '55, didn't she? A. Yes sir.
Q. How soon after that did you see her? A. It was in --- it must have been '65.
Q. Where did you see her at that time? A. At Fort Gibson.
Q. When did you next see her? A. It was at Jacktown. I think it was probably in the same year or the year following---in '66.
Q. Where did you next see her? A. I saw her tolerably frequently then till I left there, and then I never have seen her any more.
Q. Do you know whether she is living or not? A. No sir.
Q. When was the first time you saw Millie White? A. I saw her with her mother in '55.
Q. And then they went to Alabama in that year, didn't they? A. That was my understanding.
Q. Then when did you next see Millie? A. With her mother at Fort Gibson.
Q. Then where next? A. With her mother at Jacktown in '65 or '66.
Q. When did you next see her? A. I saw her in Van Buren, I think it was in '67.

Q. Where did you see her after that? A. I have not seen Willie any more until here about, probably, a year ago.
Q. From 1867 up to 1904 you have never seen her again? A. No sir.
Q. Do you know whether this Willie White, that is an applicant here, is the same Willie that you knew in 1867? A. I don't know, only she claims she is the same Willie.
Q. You do not know whether she is the same one? A. I wouldn't swear that she was the same one, for she was a little girl the then.
Q. You saw her in 1867 in Van Buren, Arkansas, and then you never saw her again until 1904? A. Yes sir, that is correct
Q. You think you can not be mistaken about her being the same one? A. I do not say that I could not be mistaken.
Q. Do you know the name of the man to whom she was transferred in 1885? A. Yes sir, Mr. Vincent.
Q. What was his first name? A. I don't know his first name. I always heard them call him Mr. Vincent. I want to understand you--- did you say Willie or Willie's mother.
Q. I said Willie, but I meant her mother, Charlotte. You stated just now in your examination in chief that you opened a church in Fort Gibson in 1866? A. No sir, not in Fort Gibson.
Q. You stated that Willie joined the church? A. I said Willie's mother joined the church.
Q. Where? A. At Jacktown.
Q. Have you got any record of that at all? A. I think I have
Q. Have you a list of all of the communicants in the church at that time? A. I have the list of most of them.
Q. Have you it with you? A. No, part of it is at home, and part of it was destroyed by an overflow.
Q. Does the part that was destroyed refer to 1866? A. No sir. The roll have got descroyrd---the roll of membership.
Q. Then you have no record of it at all? A. Yes sir, I have a record of the organization.
Q. Have you a list of the members of the organization? A. I told you just now that that got destroyed by an overflow.
Q. When was the overflow? A. Last year.
Q. Did you have it in your possession last year? A. Yes sir.
Q. Do you know the names of all the members of your congregation at that time? A. No sir.
Q. How did you remember specially the name of Charlotte? A. It was because I had some talk with Charlotte.
Q. How many of the members of your congregation, at the time Charlotte joined the church, do you remember now? A. Jack Campbell, Jack Campbell's wife, Sarah, Millie Starr, George Benton, Martha Stell, Morgan Ellison, Isom Thomas, Bell Vaughn, and Mary Haney.
Q. How many were there in the congregation? A. 10 or 12.
Q. Are those people, whose names you mentioned, living? A. I do not think any of the Campbell family are living. I don't know whether any of the Starr negroes are living.
Q. Are any of those that you mentioned living? A. Yes sir.
Q. Who are they? A. Isom Thomas is living.
Q. Where is he living? A. At Newport, Arkansas.
Q. Is he a Cherokee Freedman? A. No sir I reckon not.
Q. All of those were members at the same time that Charlotte was?
A. Yes sir.
Q. That was in '66? A. Yes sir.

Q. Are you positive about that? A. Yes sir.
Q. Was you in the south? A. I am not right positive, but I think it was the latter part of August or the first of September.
Q. At that time Charlotte was a member of your church? A. Yes sir.

MR. HASTINGS:

Q. Where was this church? A. At Jacktown.
Q. Where did they live? A. They lived about two or two and a half miles from the Stonewall place.
Q. What direction? A. It was northwest from the Stonewall place.
Q. On whose place did they live? A. Jack Campbell's place.
Q. I believe you have just answered the Commission that you never saw either Willie or Charlotte after 1867 until you saw Willie last year. That is the truth is it? A. I think it is. I do not remember seeing her since I saw her in Van Buren in '67.
Q. You testified awhile ago that you saw Charlotte in 1872, didn' you? A. I might have seen her then.
Q. But you told the Commission that you had not seen her since '67? A. I told him I didn't think I had.

COMMISSION:

Q. How old are you? A. I was 78 years old last Saturday.
Q. Can you read and write? A. Yes sir.
Q. Can you read and write well? A. Sufficient for the people to understand it.
Q. Can you write a letter? A. Yes sir.
Q. What is your business? A. Farming and preaching.
Q. How much farm have you? A. 40 acres.
Q. In cultivation? A. Yes sir.
Q. Does it belong to you? A. Yes sir.
Q. Do you remember any of the Johnsons having a slave by the name of Lewis? A. I do not know. He might have had.
Q. How many of the slaves of Ben Johnson did you know? A. Not any of them hardly. The only way that I knew any of the slaves of Mr. Johnson -----
Q. Do you remember a slave by the name of Lewis Johnson? A. I do not. I have heard of him, but I don't know him.
Q. Do you know that man (indicating Lewis Johnson)? A. I have saw him.
Q. Did you ever see him on Ben Johnson's place? A. I do not know that I ever have.

COMMISSION TO LEWIS JOHNSON:

Q. Do you remember that man? A. I have saw him, but I don't know him.
Q. Do you remember the time that Charlotte Johnson was sent to Alabama? A. No sir.

MR. HASTINGS TO LEWIS JOHNSON:

Q. Did this man ever preach on Ben Johnson's place or at Jacktown after the war? A. I don't know.

Q. Did Charlotte Johnson, the mother of Billie White, live there on Jack Campbell's place after the war? A. I don't know. There was one Charlotte Johnson that belonged to Anderson Johnson, but she was a little girl.
Q. Was she a little girl after the war? A. She wasn't grown.
Q. What became of her? A. She is down there now.
Q. Is she living yet? A. Yes sir.
Q. Did she ever marry? A. Yes sir.
Q. What was her husband's name? A. She was married to a man by the name of Burden.
Q. Was there any Charlotte Johnson who was a slave before the war, and who was grown, who lived in that country at all? A. Not that I knew of.
Q. Could there have been a slave of Ben Johnson by the name of Charlotte and you not know her? A. I think not.
Q. Where did Ben Johnson live? A. In Sequoyah District, this side of Fort Smith.
Q. Did Ben Johnson or his wife own a slave by the name of Charlotte when the war came up? A. I never knew it.
Q. Did you ever hear of them hiring out a slave to a man by the name of Vincent, in Alabama?

(Neal & London, object to the question, because it is hearsay testimony)

(Objection noted)

A. No sir.

Neal & London, not being present when Lewis Johnson was first examined, heard his testimony read, and now cross examines him.

NEAL & LONDON:

Q. Was Ben Johnson a Cherokee? A. No sir, he was a white man and his wife a Cherokee.
Q. What was her name? A They called her Annie.
Q. You say you never knew Charlotte Johnson, the slave of Annie Johnson? A. No sir.
Q. Were you a house servant or a field nigger? A. I worked around the house.
Q. How old were you? A. I don't know exactly how old I was.
Q. You are 53 now? A. Somewhere along about that.
Q. You would be 9 years old when the war broke out, wouldn't you? Just a little boy like that (measured as high as the table)? A. I was bigger than that.
Q. You said you are 53, and that would make you only 9 years old then. Do you mean to testify that you knew all of Johnson's niggers, both the house servants and the field hands? How many did he have? A. Yes sir, I knew them all, but I couldn't tell you how many there were. I couldn't count them.
Q. You mean to say that at 9 years of age --- could you read and write at that time? A. No sir.
Q. Can you read and write now? A. No sir.
Q. You mean to say that at that time you knew all of these darkies,
A. Yes sir,.
Q. You say you never heard of a slave belonging to Annie Johnson named Charlotte? A. Yes sir.
Q. Who was this little girl named Charlotte Johnson? A. That was Anderson Johnson's slave.

Q. In 1860 --- six years before the war broke out --- when you were three years old--- do you know whether or not Ben Johnson and Annie Johnson hired, to a man by the name of Vincent, a slave by the name of Charlotte? A. In 1860?
Q. Yes, just 4 or 5 years before the war? A. He never hired nobody.
Q. You are certain of that, are you? A. Yes sir.
Q. You know that if he had hired one out at that time you would have known it? A. Yes sir.
Q. Can you tell us of something that happened when you were 3 years old? A. I don't know just how old I was.
Q. Tell us something that happened when you were three years old
A. I said I was somewhere about 55 years old, I don't know exactly how old I am. I am just about like I told you.
Q. Then, at three years of age you are willing to testify that Ben and Annie Johnson did not hire a slave by the name of Charlotte to a man by the name of Vincent? A. I didn't say I was three years old.
Q. You mean to say that if they had a slave by the name of Charlotte that they hired to a man by the name of Vincent, you do not know it---that it was before you could remember?
A. I mean to say that Johnson didn't hire any slave by that name since I can remember.
Q. About how old can you first remember to have known things?
A. I can remember before the war.
Q. You remember that you went south; that you got ready to go; and that you were delayed about a month before starting--- you remember that it was a week or ten days, or maybe a month before you got started? A. I couldn't remember just how long it was, but I remember fixing.
Q. Don't you remember that they waited two or three months to hear from Alabama--- to get this Charlotte back? A. No sir, I don't remember anything like it.
Q. You do remember, though, when you were three years old, that there was no slave by the name of Charlotte? A. I didn't say I was three years old. I don't know just how old I was. I was a pretty good size boy.
Q. Are you an applicant for enrollment? A. I am enrolled.
Q. You do not know the names of any of the slaves that belonged to your former master---You do not remember Charlotte Johnson?

(Mr. Hastings--- I am going to interfere with your asking a double cross question. Ask them one at a time and have them answered.) A. Mr. Neal---I am just giving you some of your own medicine)

Q. You do not remember the names of any of the slaves that belonged to your former master? A. Yes sir.
Q. Well name one or two of them? A. Mose Johnson, Aaron Johnson.
Q. You mean to testify with reference to Charlotte that you do not remember a slave of that name that belonged to your master?
A. Not since I can remember.
Q. You do not remember what happened before you can remember? A Not before I was born.
Q. Could you remember a thing that happened when you were 3 or 4 or 5 years old? A. Yes sir, I can remember when I was 5 years old, I am satisfied.

CROSS EXAM.

Q. Were you born the slave of Bob Johnson? A. Yes sir.
Q. Do you know whether they ever had a slave by the name of Charlotte? A. I did not know.
Q. As far as your recollection goes, did they have one of that name? A. No sir.
Q. You do not know just how old you are? A. Not exactly.
Q. You are somewhere between 60 and 70? A. Yes sir, somewhere along there.

RE-DIRECT.

Q. You say that this man White did not organize a church at Jackson? A. I told you that he didn't as I knows of.
Q. You do not mean to say that there was no church organized, but that you didn't know of it? A. Yes sir.

WITNESS EXCUSED.

Ben White recalled for cross examination by MR. & LONDON.

Q. Did you know Willie White's mother? A. Yes sir.
Q. What was her name? A. Charlotte Vincent.
Q. Did you know Willie and her mother before the war? A. I was small in the time of the war.
Q. You remember them directly after the surrender? A. Yes sir.
Q. How long after the surrender did Mayor's company of years after the surrender? I moved down into the valley and I found them down there.
Q. You say there were about two years after the war that you do not know where they were— whether they were there or not. That would be the latter part of '65 or '66? A. Yes sir, in '68 and '71 I went up on the Tuscumbia river.
Q. In '70 and '71 you were about how old? A. We had no learning, you know, but I think I was about 15 years old.
Q. You say about two years after the war you moved down into the Valley? A. Yes sir. In passing back and forwards, being sent by my owners, I would see them.
Q. When the war broke out you were about three years old, were you not— you said usually are you was 4?? A. Yes sir.
Q. When you moved down into the valley, and remember these darkies, you must have been about 7 or 8 years old? A. About 7 I think.
Q. You have seen these darkies well since that time have you? A. Yes sir.
Q. Yancy, and his mother and sister, Willie White? A. Yes sir.
Q. Do you remember this ---let me see if you remember anything about the real facts in the case. Do you remember a nigger named Gib White? A. Yes sir.
Q. Gib was Willie White's husband? A. Yes sir.
Q. Gib White, in about 1860 or '61--- something about them, don't you know that Gib White came to the Territory and married Willie and took her back to Alabama, and that is where you saw them, and then you came out here with them? A. They had grown big children in 1861.

MR. HASTINGS:

Q. Where did Charlotte Vincent die? A. She died down in Jefferson County, Arkansas, near Pine Bluff.
Q. You have known her and Millie White ever since you have known anybody? A. Yes sir.
Q. And you knew her up to the time of her death? A. Yes sir.
Q. You say Gib and Millie White were married in Alabama? A. Yes sir.
Q. And their children were born in Alabama? A. Excusing the one that was born in Arkansas. Jim, Harry, Ruthie, Annie Viola, and then there was another one, I didn't know her name.
Q. Where was Yancy married? A. He first married in Alabama.
Q. Where did his first wife die? A. In Jefferson County, Arkansas, near Vaheeska.
Q. Did he marry them the second time? A. Yes sir.
Q. And you came here in '93? A. Yes sir.

WITNESS EXCUSED.

Frank M. Morgan, being duly sworn, testified as follows:

NEAL & LONDON:

Q. What is your name? A. Frank M. Morgan?
Q. What is your post office address? A. Fort Smith, Arkansas.
Q. Do you know the applicants, Millie White and Yancy Vincent and their descendants? A. Yes sir, I know the most of them.
Q. Did any of them at any time live upon your property? A. Yes sir.
Q. In the Cherokee Nation? A. Yes sir.
Q. When was that and who were they? A. Yancy Vincent rented a piece of land on my place in 1896, and old Gib White and Aunt Millie lived there in 1897 or '98---maybe it was '99.
Q. Did you know any of them prior to that time? A. I knew Gib White when he come into the Nation. He stopped there on Dr. Bell's place, adjoining mine.
Q. What year? A. In '94 or '95.
Q. Did you ever know any of these applicants prior to 1890?
A. No sir.
Q. You are a Cherokee by blood? A. Yes sir.
Q. You are on the final roll? A. Yes sir.
Q. Do you live in the Cherokee Nation? A. I live in Fort Smith, and farm in the Cherokee Nation.

MR. HASTINGS:

Q. How long have you lived in that vicinity? A. Since 1887.
Q. You are well acquainted there? A. Yes sir.
Q. Own a farm in Fort Smith bottom? A. Yes sir.
Q. Never knew any of them prior to 1893? A. No sir.
Q. Do you know where they came from there? A. They said they came from Arkansas. Vincent said he had been making shingles down in Arkansas.

[illegible] Yes sir.
[illegible] No sir.
Q. Did they claim to be citizens? A. They didn't claim it to me. I did not know it until a few years ago I heard they were trying to get on the citizenship roll.

Mr. Hall:

Q. You did not know them well along about 1894 to 1896? A. No sir.
Q. Did White is not an applicant for citizenship? A. No, but his wife is.
Q. What did you say about seeing them about 1894? A. They were on Dr. Bell's place then.
Q. You live in Fort Smith? A. Yes sir.

WITNESS EXCUSED.

CASE CLOSED.

10 days will be allowed the attorneys for filing briefs in this case.

Eula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the [illegible] day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Eula James Branson.

Subscribed and sworn to before me this the 11th. day of March, 1905.

(Signed) Myron White
Notary Public.

(SEAL)

Maggie Kennedy, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18th day of March 1905.

Myron White,
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
SEPTEMBER 18, 1906.
Freedman Card F-164.

In the matter of the application of Nancy Ann White, enrolled as Nancy Ann Levie, to select her allotment and designate her homestead in the Cherokee Nation.

NANCY WHITE, being duly sworn by R. P. Beamer, testified as follows:

BY COMMISSIONER:

Q. What is your name? A. Nancy White.
Q. What is your age? A. 21.
Q. What is your postoffice address? A. Bora, Arkansas.
Q. Are you a Cherokee Freedman? A. Pending citizenship.
Q. Are you the husband of Nancy Ann White? A. Yes sir.
Q. Did she ever go by the name of Nancy Ann Levie? A. Yes sir.
Q. When did you marry her? A. April 6, a year ago.
Q. Are you and her living together at the present time? A. Yes sir.

WITNESS EXCUSED.

Mabelle Scheneur, stenographer to the Commissioner to the Five Civilized Tribes states on oath that the above and foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

Mabelle Scheneur

Subscribed and sworn to before me this 18th day of September, 1906.

John E. Tidwell
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie White, et al., as Cherokee freedmen, consolidating the applications of:

Willie White, et al.,	Cherokee Freedmen R	317
Annie Thomas,	Cherokee Freedmen R	68
Jim M. White, et al.,	Cherokee Freedmen R	[illegible]
Harry White,	Cherokee Freedmen R	[illegible]
Yancy Vinson et al.,	Cherokee Freedmen D	1088.

--:--

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Willie White for herself and minor child, Viola White, by Willie Thomas for his wife, Annie Thomas; by Jim M. White for himself and minor children, Samantha, Birdie, and Rita White, and for his wife, Sarah White, by intermarriage; by Harry White for himself; and by Yancy Vinson for himself and minor children, Elijah, Tilda, Orra, Colbert and Pink Vinson. Subsequent thereto an affidavit showing the birth, on January 17, 1902, of Essie Vinson, child of Yancy Vinson, was filed herewith and made a part of the record herein. Application was originally made for the enrollment of the said Annie Thomas as a citizen of the Cherokee Nation by intermarriage, but as any rights said applicant might possess by virtue of her marriage to a Cherokee freedman have been heretofore disposed of, only her rights as a Cherokee freedman will be considered in this decision.

The evidence in this case shows that one Charlotte Johnson, deceased, was the mother of the applicants, Willie White and Yancy Vinson; and that the said Willie White was born prior to the commencement of, and the said Yancy Vinson was born during, the rebellion, but after ample opportunity afforded, it is not

established by satisfactory evidence that either the said Charlotte Johnson, deceased, nor the applicant, Millie White, was the slave of a Cherokee citizen at the commencement of the rebellion.

The evidence in this case further shows that during said rebellion said applicants, Millie White and Yancy Vinson, together with their said mother, Charlotte Johnson, deceased, lived in the state of Alabama, and that after the close of the rebellion, neither the said applicants nor their said mother removed to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Rogers Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation.

The evidence further shows that the applicants, Viola White, Annie Thomas, Jim H. White and Harry White, are children of the applicant, Millie White, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Elijah, Tilda, Orra, Colwest, Pink and Rosie Vinson, are children of the applicant, Yancy Vinson, were born since 1880, and it is not established that they possess any rights to enrollment other than as descendants of their said father; and that the applicants, Samantha, Birdie and Etta White, are children of the applicant, Jim H. White, were born since 1880, and possess no rights to enrollment other than as descendants of their said father. The applicant, Sarah White, neither possesses nor claims rights to enrollment as a Cherokee freedman other than such as she may obtain by virtue of her marriage to the applicant, Jim H. White. None of the applicants herein can be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Millie White, Viola White, Annie Thomas, Jim H. White, Samantha White, Birdie White, Etta White, Harry White, Yancy Vinson, Elijah Vinson, Tilda Vinson, Orra Vinson, Colwest Vinson, Pink Vinson and Rosie Vinson, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that, following the ruling of the Department in the case of Samuel Welcome (I.T.D. 5848-11776-04), Sarah White is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and that her application for enrollment as such, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby.
Chairman

(Signed) T. B. Needles.
Commissioner

(Signed) C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
APR 24 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 20 1902
Acting Chairman.

DEPARTMENT OF CONSTRUCTION

CHEROKEE FREEDMEN

Date January 30

Post Office Fort Gibson

Nation Cherokee

1. Name Harry C White Age 23

Name of owner Citizenship

Year Page No District

Parents

Father Dick White Citizenship Cher Nat

Mother Millie White Citizenship Cher Nat

2. Name of wife Age

Name of owner Citizenship

Year Page No District

Parents

Father Citizenship

Mother Citizenship

Names of Children

3. Year Page No. Dist.

4. Year Page No Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No 1 Stenographer M D Green

— not on any roll —

Cherokee Freedmen

R-421.

Muskogee, Indian Territory, July 8, 1904

W. S. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Harry White for enrollment as a Cherokee freedman, No R-421, (old No. Memo.14), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the residence of the applicant since birth.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D. 321.

Muskogee, Indian Territory, July 6, 1904.

Harry White,
Dora, Arkansas.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not you were a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, whether or not you returned to the Nation after the war within the time provided in the treaty of 1866, and as to your residence since that time.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and give testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

(XIX)

Cherokee Freedmen

Willie White, et al.,

Muskogee, Indian Territory, February 20, 1906.

Neal A. Louder,

Attorney for Willie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of February 7, transmitting motion to introduce further testimony in the matter of the applications for the enrollment of Willie White, et al., Jim H. White, et al., Harry White and Nancy Vinson, et al., as Cherokee freedmen.

In reply you are advised that the applicants will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 5, 1906, and introduce further testimony in the matter of said applications. You are further advised that the attorney of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting the rights to enrollment of the said applicants.

Respectfully,

Tams Bixby,

Chairman.

[illegible]

Cherokee Enrollment

[illegible], et al.

Muskogee, Indian Territory, February 18, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that upon motion of Veal & Lamson, Fort Smith, Arkansas, the applications for the enrollment of Nellie White, et al., Jim K. White, et al., Harry White and Nancy Vinson, et al., as Cherokee freedmen, will be taken up for further hearing by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 5, 1906.

On said date you may, if you desire, appear before the Commission when an opportunity will be given you to introduce any additional testimony affecting said applicants [illegible] may think proper or necessary.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Cherokee Freedmen

B-361.

Muskogee, Indian Territory, April 24, 1908.

Harry White,

Bonge, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorneys, Neal & London, Fort Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. 8-60
Register

Cherokee Freedmen

Reply, et al.

Muskogee, Indian Territory, April 24, 1908.

Veal & Loudon,

Attorneys for Willie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. 9-63
Register

Cherokee Freedmen

R-447, et al.

Muskogee, Indian Territory, April 24, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. R-64

Cherokee Freedmen
Muskogee, Indian Territory

Muskogee, Indian Territory, April 24, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Willie White, et al., including the Commission's decision dated April 24, 1906, rejecting the applications for the enrollment of Willie, Viola, Jim H., Samantha, Birdie, Etta and Perry White, Yancy, Elijah, Tilda, Orra, Calvert, Pink and Essie Vinson and Annie Thomas as Cherokee freedmen, and the application for the enrollment of Sarah White as a Cherokee citizen by intermarriage.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-65

Through the

Commissioner of Indian Affairs.

(C O P Y)

Refer to reply to
the following
Land-15°Ho-1906.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS.

Washington, May 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 24, 1906, transmitting the record in the application for enrollment as Cherokee Freedmen by Millie White for herself and her minor child, Viola White; by Willie Thomas for his wife, Annie Thomas; by Jim H. White for himself and his minor children, Samantha, Birdie and Etta White, and for his wife, Sarah White, by intermarriage; by Harry White for himself; and by Yancy Vinson for himself and his minor children, Elijah, Tilda, Orra, Colwest, Pink and Essie Vinson.

April 24, 1906, the Commission decided adversely to all the applicants.

The record shows that Charlotte Johnson, deceased, was the mother of the applicants, Millie White and Yancy Vinson; that Millie White was born prior to the beginning of, and Yancy Vinson was born during, the war of the rebellion, but after ample opportunity it has not been established that the said Charlotte Johnson deceased, nor the applicants, Millie White and Yancy Vinson were

slaves of a Cherokee citizen at the beginning of during the war but that they lived in the state of Alabama during that period and that they did not remove to the Cherokee Nation on or before February 11, 1867.

The record further shows that the applicants, Annie Thomas, Viola , Jim H., and Harry White are children of Willie White, born since the beginning of the war and possess no rights to enrollment other than as descendants of their mother; that the applicants, Elijah, Tilda, Orra, Celeest, Pink and Essie Vinson are children of Yancy Vinson born since 1860, and it is not established that they possess any rights to enrollment other than as descendants of their father; that the applicants Samantha, Birdie and Etta White are children of Jim H. White born since 1860, and possess no rights to enrollment other than as descendants of their father. Sarah White neither possesses nor claims rights to enrollment as a Cherokee Freedman other than by marriage to Jim H. White.

None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

C. W. Larrabee

Acting Commissioner

MMM

W

(C O P Y)

Refer in reply
to the following:
Land 34941-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, May 18, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to office letter of May 9, 1908 (Land 32738-1908), there is inclosed a communication from Messers. Neal and London, attorneys at law, Fort Smith, Arkansas, transmitting a bill of exceptions with proof of service in the matter of the application for enrollment as Cherokee Freedman by Millie White et al.

The record was forwarded to the Department May 9, 1908.

Very respectfully

C. F. Larrabee
Acting Commissioner

XXX

W

(Copy of a copy)

S.F. No. [illegible]
I.T.D. [illegible]-1905
[illegible]

F.P.
[illegible]

L.B.S.

DEPARTMENT OF THE INTERIOR.

Washington, September 27, 1905.

Commissioner to the Five Civilized Tribes.

Sir:

April 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case involving the applications for the enrollment of Millie White, Viola White, Jim M. White, Samantha White, Birdie White, Etta and Harry White, Yancy Vinson, Elijah Vinson, Tilda Vinson, Orra Vinson, Colwest Vinson, Pink Vinson and Rosie Vinson and Annie Thomas as Cherokee Freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, including the Commission's decision of the same date, which was adverse to all the applicants.

Reporting May 9, 1905, the Indian Office recommended that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully

(Signed) Thos. Ryan

Acting Secretary

1 inclosure

[illegible]

[illegible]

Muskogee, Indian Territory, October 6, 1908.

Hall, Hastings & Hennessy,
Attorneys for the Cherokee Nation,
Tahlequah, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1908.

For your information there is inclosed herewith a copy of typewritten letter referred to.

Respectfully,

Acting

Commissioner.

Encl. C-44

Cherokee Freedmen

B-88.

Wagoner, Indian Territory, October 6, 1908.

Harry White,

Bengo, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1908, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 27, 1908.

Respectfully,

Commissioner.

IS

Cherokee Freedmen

R-217, et al.

Muskogee, Indian Territory, October 6, 1906.

Neal & London,

Attorneys for Willie White, et al.,

Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1906, rejecting the applications for the enrollment of Willie White, et al., as Cherokee freedmen, and for the enrollment of Sarah White as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on September 27, 1906.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby,

Commissioner.

Incl. R-65

Chem Fr. R-322

Trans from Chem. Fr. Memo 15

Chem Fr. R-322

ego

Cherokee Freedmen Rolls.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 18, 1908.

In the matter of the application of Willis R. Simpson for the enrollment of himself as a Cherokee Freedman, being sworn and examined he testified as follows:

BY COMMISSION:

Q What is your name? A Willis R. Simpson.
Q Where do you live? A Lebanon, Missouri.
Q What is your age? A 45, the 26th of last December.
Q Do you make application for enrollment as a Cherokee by blood?
A Yes sir.
Q Do you apply for anyone besides yourself? A My daughter, I have got one daughter.
Q How old is she? A 42 years old.
Q She will have to appear before the Commission in person; have you any children under 21 years of age? A No sir, none but her.
Q She is not under 21 years of age, is she? A No sir, she is 42.
Q What is your father's name? A My father's name?
Q Yes. A Gibson.
Q What was your own father's name? A Ed Gibson.
Q What is your mother's name? A How the Simpson part, well of course I belonged to a man by the name of Simpson.
Q You belonged to him, what do you mean by that? A I was colored you knew.
Q Do you apply as a Cherokee by blood or a Cherokee Freedman? A Cherokee Freedman.
Q You stated awhile ago you applied as a Cherokee by blood? A I misunderstood you.
Q Was your father a white man? A Yes sir.
Q What is your mother's name? A Jerusia Simpson.
Q Was she a Cherokee Freedman? A Yes sir.
Q What was your owner's name? A My owner was named Simpson.
Q What was his full name? A Robert E. Simpson.
Q What was he? A Citizen of Missouri.
Q Was he a white man? A Yes sir.
Q Was not a Cherokee? A No sir.
Q Did you ever belong to a Cherokee? A No sir, what little blood I have got in me that's all I have got.
Q Have you ever lived in the Cherokee Nation? A No sir, I have lived in Missouri all my life except when I was in the war.
Q Have you ever drawn any money from the tribal authorities of the Cherokee Nation? A No sir.
Q Does your name appear upon the Cherokee tribal rolls? A No sir, I guess this is the first application I ever made.

Rolls of the Cherokee Nation in the possession of the Commission examined and applicant not identified thereon.
Neither does it appear that he was ever admitted to citizenship by the tribal authorities of the Cherokee Nation.

BY COMMISSION: Willis R. Simpson applies for the enrollment of himself as a Cherokee Freedman. He is not identified upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission. He avers that he was never a resident of the Cherokee Nation, and did not belong to a Cherokee Indian. This application appears to come within the pro-

violence of the temporary injunction recently granted by Judge Joseph Gill, of the United States Court, Northern District, Indian Territory which forbids this Commission to receive applications for enrollment as Cherokee Freedmen of this character, consequently the application of Willie R. Simpson for the enrollment of himself as a Cherokee Freedman will be listed for rejection.

W. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) W. D. Green.

Subscribed and sworn to before me this February 20, 1908.

(Signed) T. B. Needles.
Commissioner.

Louise Smith, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that same is a true and complete copy of a document on file with the Commission in Cherokee Freedmen R-522.

Louise Smith

Subscribed and sworn to before me this August 19, 1904.

Charles H. Sawyer

Notary Public.

Cherokee Freedman D-888.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willis R. Simpson as a Cherokee Freedman.

--1--

D E C I S I O N.

The record herein shows that on February 19, 1902, Willis R. Simpson appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of himself as a Cherokee Freedman.

The evidence herein shows that the applicant, at the time his original application was filed, was sixty-five years old; that he was born in Missouri and prior to February 19, 1902, had never established a residence in the Cherokee Nation. The applicant can not be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Willis R. Simpson as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

AUG 25 1904

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 19 1902

DEPARTMENT OF INTERIOR

CHEROKEE FREEDMEN

Date [illegible]

Post Office [illegible]

Division

1. Name [illegible] Age

Dawes's name [illegible] Citizenship [illegible]

Year Page No. District

Parents

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

2. Name of wife Age

Dawes's name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Names of children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

No Card

Muskogee, Indian Territory, August 19, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory,

Gentlemen:

There are herewith inclosed copies of the record of proceedings in Cherokee freedmen cases R 314, Charlotte Smith, and R 322, Willis R. Simpson.

Respectfully,

Chairman.

Encl. V-11

Cherokee Freedmen
S 668

Muskogee, Indian Territory, August 26, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Willis R. Simpson for the enrollment of himself as a Cherokee Freedman, together with a copy of the Commission's decision dated August 25, 1904, rejecting said application.

Respectfully,

James Bixby,
Chairman.

Encl. V18

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen
R 588

Muskogee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 26, 1904, rejecting the application of Willis R. Simpson for the enrollment of himself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the secretary will be made known to you as soon as the commission is informed of the same.

Respectfully,

Chairman.

Encl. V-17

Cherokee Freedmen
R 288

Muskogee, Indian Territory, August 26, 1904.

H. F. Isaac,

Attorney for Willis R. Simpson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the commission to the Five Civilized Tribes, dated August 25, 1904, rejecting the application for the enrollment of Willis R. Simpson as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby,
Chairman.

Encl. V-15
Register.

Cherokee Freedmen
N 882

Muskogee, Indian Territory, August 30, 1904.

Willis R. Simpson,

Lebanon, Missouri.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, S. W. Isaac, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. V-14

Register.

[illegible]

Refer in reply
to the following
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.

Washington

September 8, 1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 28, 1904, transmitting the record of the application for enrollment as a Cherokee Freedman of Willis A. Simpson.

August 28, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is sixty five years of age, was born in the State of Missouri and prior to February 19, 1902, had never resided in the Cherokee Nation. His name is not found on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W.A.Jones

Commissioner

M.M.M.
W.

[illegible]

[illegible]

[illegible]

Cherokee Freedmen
R-303

Muskogee, Indian Territory, October 20, 1904.

Willis R. Simpson,

Lebanon, Missouri

Dear Sir:

You are hereby advised that the Commission's decision, dated August 22, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 3, 1904.

Respectfully,

Tams Bixby
Chairman.

COMMISSIONERS OF THE DAWES COMMISSION
TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
D-182

Muskogee, Indian Territory, October 10, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated August 28, 1904, rejecting the application for the enrollment of Willis H. Simpson as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 3, 1904.

Respectfully,

Chairman.

Cher. Fr. R-323

Trans. from Cher. Fr. Memo 16

Cher. Fr. R. 323

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 20, 1906.

In the matter of the application of Rose Phillips for the enrollment of herself and her children as Cherokee freedmen. The said Rose Phillips being duly sworn, testified before the Commission as follows:

Applicant represented by I.P. Sledge, Chouteau, I.T.

Q What is your name? A Rose Phillips.
Q How old are you? A I am 50.
Q Where do you live? A I live here in the Creek Nation.
Q What is your post-office address? A Okmulgee.
Q Do you apply for enrollment as a Cherokee freedman? A Yes, sir.
Q Do you apply for anyone besides yourself? A No and my children.
Q How old is your youngest child? A He is going on nine years.
Q Have you any children at home that are unmarried? A Yes, sir.
Q Are they under 21 years of age? A Yes, sir.
Q Give me the name of the oldest one under 21 years of age? A There's Annie Phillips.
Q How old is she? A She is 17.
Q Is she married? A Yes, sir.
Q I don't want her, I want those that are at home with you and unmarried and under 21 years of age? A Walter, 18 years old.
Q Is his name Phillips? A Yes, sir.
Q Give me the name of the next child? A Lonnie.
Q Lonnie Phillips? A Yes, sir.
Q How old? A 9 years old.
Q Next child? A Rosa.
Q How old is Rosa? A 13.
Q Is she married? A Yes, sir, she's just married here.
Q I don't want the names of the children that are married or over 21 years old? A Well, she isn't 21.
Q But she's married, she's got to take care of herself. Now have you any other children at home that are unmarried and under 21 years old except these two? A No, sir.
Q Are they both living? A Yes, sir.
Q Who is their father? A Mathis.
Q Mathis Phillips? A No, sir, he was a state man, but I take my children with me.
Q Do you want them all to come under your name? A Yes, sir.
Q Do you know what his full name was, the father of these children? A William Mathis.
Q Living or dead? A Dead, been dead 7 years.
Q He was a state man was he? A Yes, sir.
Q Were you born a slave? A Yes, sir.
Q What is the name of your owner? A Ellis Phillips.
Q Is he living or dead? A Dead I reckon.
Q Was he a Cherokee? A Yes, sir.
Q What was the name of your father? A Jim Canana.
Q Was he a state man or a Cherokee? A Cherokee.
Q Freedman? A Yes, sir.
Q What was the name of your mother? A Mary Phillips.
Q Is she living? A No, sir, she's dead.
Q Your father dead? A Yes, sir.
Q Was your mother a Cherokee? A Yes, sir.
Q Freedman? A Yes, sir.
Q Have you ever been recognized as a citizen of the Cherokee Nation? A We was on the Dawes roll, they say we was knocked off.
Q Did you draw the money? A No, sir.
Q Did you ever draw any money? A We got the grass money.
Q When was that? A I just can't tell you how long it has been.
Q Where were you born? A In Illinois District.

Q How long have you lived in the Cherokee Nation? A All my life.
Q How long have you been living in the Creek Nation? A Oh I am just out and in here just as I can get work, the Cherokee's my native home. Well if I can't get enough work over there to feed and clothe my children I go out.

The tribal rolls of the Cherokee Nation examined, and neither the name of the applicant nor her children are identified thereon.

The records of the Cherokee Nation examined and fail to disclose that the applicant or her children were ever admitted to citizenship in the Cherokee Nation by the tribal authorities.

The records of the Commission examined and fail to disclose that either the applicant or her children were applicants before the Commission under the provisions of the act of Congress approved June 10, 1898, for admission to citizenship in the Cherokee Nation.

BY THE COMMISSION:

Rosa Phillips applies for the enrollment of herself and her two children, Walter Phillips and Leannie Phillips, as Cherokee Freedmen. They are not identified upon any of the tribal rolls of the Cherokee Nation now in the possession of the Commission. Neither does it appear that they were ever admitted to citizenship in the Cherokee Nation by the tribal authorities or by the Commission or the United States Court on appeal. This application appears to come within the provisions of the temporary injunction recently granted by Judge Joseph Gill of the United States Court for the Northern District of the Indian Territory. Consequently the application of Rosa Phillips for the enrollment of herself and her two children will be listed for rejection.

—::—

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 1st day of March, 1902.

Commissioner.

Cherokee freedman A 588

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., December 19, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Anna Phillips and her minor children as Cherokee Freedmen.

On October 13, 1904, the applicant was notified by registered mail, and on October 28, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Anna Phillips and her minor children as Cherokee freedmen would be taken up by the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, on the 17th day of November, 1904, at which time an opportunity would be given both the applicant and the attorney for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt of the Commission's letter has been acknowledged by the attorney for applicant.

Now on this 17th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Neal Hastings and Davenport, submits this case upon the evidence now of record.

-o-o-o-o-:0:-o-o-o-o-

W. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on the 17th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

W M Vance

Subscribed and sworn to before me this 15 day of December, 1904

Charles Davis
Notary Public.

C.R.-. COPY Cherokee T.R.183

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rosa Phillips, et al., as Cherokee freedmen.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 28, 1902, Rosa Phillips appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and two minor children, Walter and Lonnie Phillips, as Cherokee freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, November 17, 1904.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as Cherokee freedmen, but after ample opportunity having been afforded said applicants to establish by satisfactory evidence their right to enrollment, as such, they have failed to do so, or to show that they possess any right whatever to Cherokee freedmen citizenship, hence their application for enrollment, as Cherokee freedmen, comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D.644-04), Ed Williams (I.T.D.4230-04), William Rester (I.T.D.1494-04), Minnie Duncan, et al. (I.T.D.1470-04), Samantha Chambers (I.T.D.8284-04), Moses Ross (I.T.D.6086-04), Jane Looney, et al. (I.T.D.6410,12828-04), Florence Bratcher (I.T.D.12882-04) and Frankie Grimmett (I.T.D. 17962-05). No one of said applicants can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Rosa Phillips, Walter Phillips and Lonnie Phillips are not entitled to enrollment as Cherokee freedment, and their application for enrollment as such is accordingly denied.

SIGNED Tams Bixby.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 28 1907.

FILED
MAR 5 1962

DEPARTMENT OF THE INTERIOR

CHEROKEE FREEDMEN

Date 6/21/12

Post Office Muskogee I.T.

Examiner [illegible]

1. Name
   Husband's name
   Year Page No. District
   Parents
   Father
   Mother
   Citizenship
   Citizenship
   Age
   Citizenship

1 2. Name of child Mary Phillips
   Husband's name Willis Phillips
   Year Page No. District
   Parents
   Father Lewis Duncan
   Mother Mary Phillips
   Citizenship Cherokee Nation
   Citizenship n n

4 3. Willis Phillips Year Page No. Dist. 17
5 4. Lewis Year Page No. Dist. 9
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

Rejected
Duplicate case

Cherokee Freedmen
B-383.

Muskogee, Indian Territory, July 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Rosa Phillips for the enrollment of herself and children as Cherokee freedmen B-383, (old No. Memo.16), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the applicant was a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not she returned to the Cherokee Nation within the time provided in the treaty of 1866.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

Roll

Muskogee, Indian Territory, July 6, 1904.

Rose Phillips,

Sapulpa, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony tending to show whether or not you were the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the war of the rebellion, and as to whether or not you returned to the Cherokee Nation after the war within the time provided in the treaty of 1866. It is also desired that you furnish the Commission with affidavits showing the births of your children Walter and Lonnie Phillips.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 1 B.A.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
No. [illegible]

Muskogee, Indian Territory, August 9, 1904.

Rosa Phillips,

Beguiga, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony tending to show whether or not you were the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the war of the rebellion, and as to whether or not you returned to the Cherokee Nation after the war within the time provided in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, September 13, 1904, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Rosa, Walter, and Lonnie Phillips, as Cherokee freedmen, together with the decision of the Commissioner, dated February 26, 1907, denying said application.

Respectfully,

Commissioner.

Encl.C-140
LMC

Through the Commissioner
of Indian Affairs.

[illegible] W.A.C. J.D.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

I. T. D.
[illegible],
[illegible],
[illegible],
[illegible],
LRS [illegible]

March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has this day affirmed your decisions, adverse to the applicants, received with your letters of February 28, 1907, in the following named Cherokee citizenship cases:

Rosa Phillips, et al., (freedmen)
Marie Carey Rogers, (by blood)
Ellen Payne, et al., (freedmen)
Earl Wave, (freedman)
Henry Vann, (freedman)
Alfred Bell, et al. (freedmen).

Copies of your letters and all the papers in the above mentioned cases have been sent to the Indian Office for its files, together with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

12 enclosures and copy
hereof to Indian Office.
VoW3-5-07

Cherokee 9
D-848

Muskogee, Indian Territory, March 16, 1907.

Rosa Phillips,

Sapulpa, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of yourself and children as Cherokee freedmen. Your agent, I. P. Bledsoe, Choteau, Indian Territory, has heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been forwarded him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. I-28
RPI

Commissioner.

Register.

Cherokee F.
D-588

Muskogee, Indian Territory, March 24, 1907.

Roma Phillips,

Sequoyah, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting the application for the enrollment of yourself and children as Cherokee freedmen. Your agent, I. P. Bledsoe, Choteau, Indian Territory, has heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been forwarded him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. I-28
EPI

Commissioner.

Register.

Cherokee 7
R-448

Muskogee, Indian Territory, March 16, 1907.

T. F. Bledsoe,

Agent for Rosa Phillips, et al.,

Choteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Rosa Phillips, et al., as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary,s action as soon as this office is informed of the same.

Respectfully,

Encl.I-29
RPI

Commissioner.

Cherokee F.
R-221

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Rosa Phillips, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. I-27
RPI

Checked
B 881.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 20, 1907.

Rosa Phillips,

Sapulpa, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting the application for the enrollment of yourself, et al., was affirmed by the Department March 4, 1907.

Respectfully,

HJC

Commissioner.

Cherokee
F S Sub.

Muskogee, Indian Territory, March 30, 1907.

I. P. Wisdom,

Agent for Rosa Phillips, et al.,

Chouteau, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Rosa Phillips, et al., as Cherokee freedmen, was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-4.
HJC

Commissioner.

Cherokee
F. R. 515.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 20, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Rosa Phillips, et al., as Cherokee freedmen, was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. KJ-5.
KJC

Commissioner.

[illegible]

[illegible]

[illegible]

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

SAPULPA, I. T.
SEP 8 1904
REGISTERED.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

10620
10324

RETURN TO Rosa Phillips,
Sapulpa, Indian Territory.

REGISTERED
AUG 1 1904
MUSKOGEE, IND. TER.

SEP 9 1904

147

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MAR 14 1907

5537

Rosa Phillips,

Sapulpa, Indian Territory.

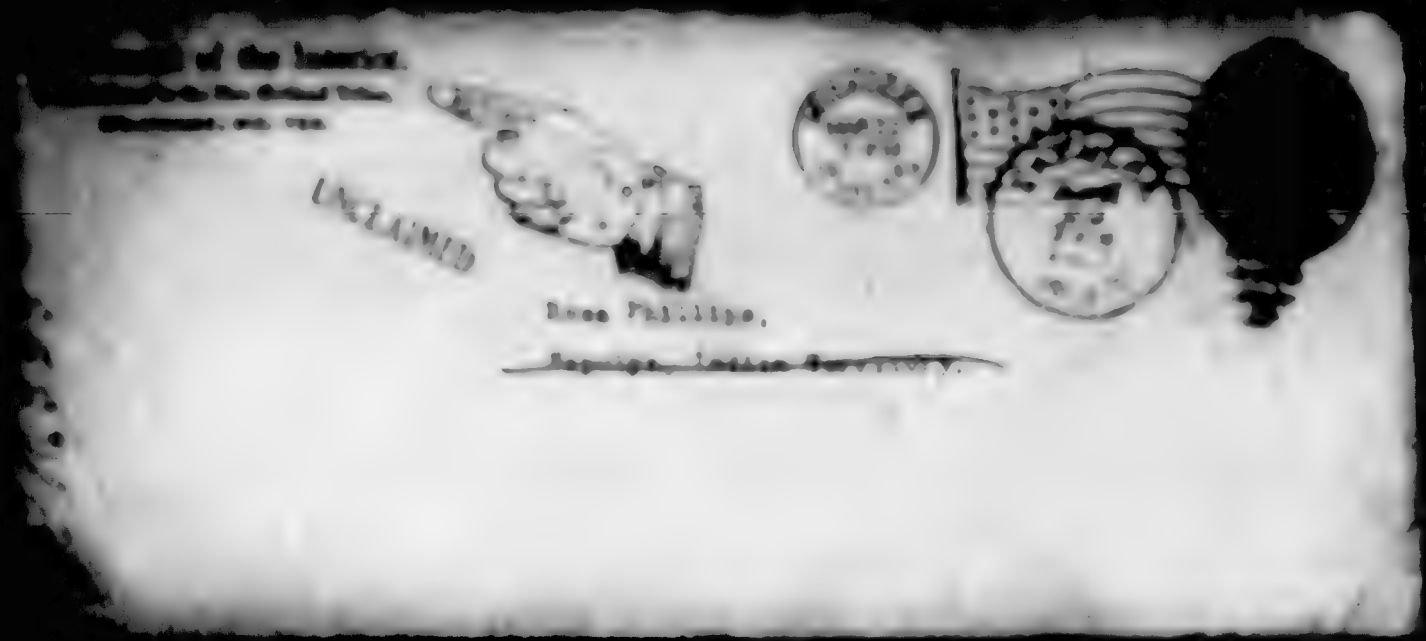
5716

611

2nd notice 3/28/07

REGISTERED

Department of the Interior.



Department of the Interior.

BAPULPA, IND. T.
AUG
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1904
REGISTERED.

IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

10024
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REGISTERED
JUL 8 1904
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

SAPULPA

Rosa Phillips,
Sapulpa, Indian Territory.

SEP 9 1904

145

RETURN PENALTY ENVELOPE

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

IND. TER.

Department of the Interior.

OFFICIAL BUSINESS

SAPULPA
AUG
10
1904
REGISTERED.

SAPULPA, IND. T.
JUL
1904
REGISTERED.

Cher. Fr. R-324

Trans. from Cher. Fr. Memo 17

Cher. Fr. R-324

FILED
MAR 1 1985
COMMISSION TO THE UNITED STATES
DEPARTMENT OF JUSTICE

C.T.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1908.

In the matter of the application of Frederick Downing for the enrollment of himself as a Cherokee freedman; said Downing being duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Frederick Downing.
Q How old are you? A As near as I can remember about 69 or 70 years old.
Q What is your post office address? A Sallisaw.
Q What district in the Cherokee Nation are you living in Sallisaw.
Q Do you apply for enrollment as a Cherokee freedman? A Yes, sir.
Q Do you apply for anyone besides yourself? A I have a son here.
Q How old is he? A 24 years old.
Q He will have to apply for himself. Have you ever been recognized by the tribal authorities of the Cherokee Nation as a freedman? A Well, I have always been amongst them.
Q Have you ever drawn any money from the authorities of the Cherokee Nation? A No, sir.
Q Where were you born? A I was born in Missouri, so my mother said.
Q Have you ever resided in the Cherokee Nation prior to this time? A Yes, sir, I have been here, about 39 years.
Q You came here then during the war? A Yes, sir; I was in there before the war.
Q How long didyou continue to reside here? A I have been here ever since until I went in the army.
Q Did you live in the Cherokee Nation during the war? A Yes, sir; soldiering eight years.
Q When did you return after the close of the war? A I think it was '69; I was mustered out. I think it was '69, Tenth Cavalry.
Q Did you belong to a Cherokee? A Well, my mother was free born and so was I.
Q You never belonged to anyone? A No, sir.

The tribal rolls of the Cherokee Nation in the possession of the Commission examined and fail to disclose the name of the applicant thereon.

The

Q What was your father's name? A My father is name was Arthur Harris.
Q What was your mother's name? A Charlotte Downing, she was a daughterof one of the Downings.
Q How long was it after your discharge from the army that you came to theCherokee Nation? A I was right in the Cherokee Nation.
Q When you were discharged? A Yes, sir.
Q Did you apply to the Kern-Clifton Commission for enrollment in 1896? A Yes, sir.
Q What action did that Commission take with reference to your application? A Didn't take it, said they wasn't ready.
Q You didn't draw money at that time? A No, sir, never did draw any money.
Q Where did you apply to the Commission, at what place? A I applied here.
Q In Muskogee? A Yes, sir; in June, 8th or 9th of June.
Q Of what year? A I don't know the years at all.

Commission: Frederick Downing applies for the enrollment of himself as a Cherokee freedman. He is not identified upon any of the tribal rolls of the Cherokee Nation now in the posses

[illegible]

I, J. O. Brown, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Brown

Cherokee Freedmen 2 Ind.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., NOVEMBER 17, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of FREDERICK DOWNING as a Cherokee Freedman.

APPEARANCES:
Applicant in person.
For Cherokee Nation, No Appearance.

FREDERICK DOWNING, being first duly sworn by B. F. Rasmus, a Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Frederick Downing.
Q How old are you? A About 70.
Q What is your postoffice address? A Sallisaw, Cherokee Nation.
Q Are you the Frederick Downing who appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on March 20, 1902, and made application for enrollment as a Cherokee Freedman? A Yes sir.
Q What is the name of your father? A Archie Mills.
Q He is dead? A Yes sir.
Q What was the name of your mother? A Charlotta Downing.
Q Were you in the army? A Yes sir.
Q In the Cavalry or Infantry? A I was in the Infantry. I was in both, five years in the U. S. Infantry and three years in the Cavalry time of the war.
Q When Frederick Downing appeared on the date above mentioned and made application for enrollment in answer to this question; "What was your father's name," he answered, "My father is named, was Arthur Harris," how about that? A That is all right.
Q Arthur Harris your father? A That was his middle name, Arthur Harris Mills.
Q Arthur Harris and Archie Mills the same person? A Yes sir.
Q Where did you live when the war broke out? A Howard County, Missouri.
Q How long had you lived there before the war broke out? A About ten years I think.
Q Were you a slave at that time? A Yes sir.
Q Who was your owner? A A man named Boggs.
Q What was his full name? A Thomas Boggs.
Q Was he a citizen of Missouri? A I don't know sir.
Q Had he lived there the ten years before the war that you belonged to him? A Yes sir.

Q Was he a white man? A No sir, he claimed to be some Indian blood, but what I don't know.
Q You don't know what Indian blood he claimed? A No sir.
Q Did he live in the State of Missouri for ten years before the war began that you belonged to him? A Yes sir, I think he did.
Q You lived there all the time yourself? A No sir, not there, I was part of the time in Saline County, I was sold 8 or 9 times.
Q Did you live in the State of Missouri ten years before the war? A Yes sir.
Q Who was your owner when the war came up, Mr Boggs? A Yes sir.
Q Did he have a wife? A Yes sir.
Q What was her name? A Her name was Miss Cornelia.
Q Was she a white woman? A Yes sir, I think she was.
Q And you belonged to Thomas Boggs? A Yes sir, at that time.
Q Where did you go when the war broke out? A I went into the army.
Q Do you remember what year it was you joined the army? A No sir, not exactly, I think it was '63 though.
Q Had the war been going on awhile before you joined the army? A Yes sir, about a year I think, if I aint mistaken.
Q Now from the time the war broke out up until the time you joined the army where did you lived? A I went right into the army. You see I stayed with my Master.
Q That was Mr. Boggs in Missouri? A Yes sir.
Q What County did he live in? A Howard County.
Q State of Missouri? A Yes sir.
Q Now how long did you serve in the army after you joined in 1863? A I served three years in the Volunteer Service and five years in the United States Regular Tenth Calvary.
Q That made eight years you were in the army? A Yes sir.
Q Was your service in the army continuous after you joined it in 1863? A Yes sir. I was mustered out in '66 and I enlisted in '67 in the Tenth Calvary.
Q Now from the time you were mustered out about how long was it until you re-enlisted? A I think it was about two or three months, I don't think it was any longer than that.
Q Where did you live those two or three months? A In Kansas.
Q Wh t part of Kansas? A Leavenworth, Kansas.
Q Were you mustered out at Leavenworth, Kansas? A No sir, I was mustered out at Baton Rouge, Louisiana.
Q Did you go from Louisana to Leavenworth, Kansas? A Yes sir.
Q And you stayed at Leavenworth two or three months and re-enlisted? A Yes sir.
Q When were you discharged from the Tenth Calvary? A Well I cannot tell exactly when it was.
Q Did you serve five years in the Tenth Calvary? A I did sir.
Q Then if you joined the Tenth Calvary in 1867 you must have been mustered out in 1872? A Yes sir.
Q Then where did you go after you were mustered out of the Tenth Calvary? A Been in the Indian Territory ever since.
Q What part, where did you come to first? A I come to Purcell in the Chickasaw Nation.
Q How long did you stay there? A Stayed there and waited on a Doctor named Dunn, part Choctaw and Chickasaw Indian, eight years.

Q Then where did you go? A I went then to the Old Soldiers' Home at Leavenworth and stayed there one year.
Q At Fort Leavenworth, Kansas? A Yes sir.
Q Then where did you go? A Came here to the Cherokee Nation?
Q Whereabouts? A Been stopping here at Sallisaw.
Q Sallisaw and where else? A Sallisaw and old Fort Gibson up here.
Q That must have been about 1889 you came to Sallisaw? A Yes sir.
Q Have you been in the Cherokee Nation continuously since that time? A Yes sir, all the time.
Q You haven't lived out any since then? A No sir.
Q Now those different owners that you had before the war, give their names? A The first man after I left my mother was a man named Joseph Groves.
Q Where did he live? A In Pike County, Missouri.
Q How long did he own you? A I can't say, I was quite small then.
Q How old were you when he sold you? A He didn't sell me at all, he gave me to my young Mistress.
Q What was her name? A Her name was Sarah Groves and she married a man named Dr. William Clark.
Q Where did he live? A He lived in what you call Blooming, Missouri.
Q Did Clark sell you? A No sir, he didn't sell me, the Doctor that waited on my when he died took me for a debt, Wilson Fletcher was his name.
Q Now were Groves, Clarks and Fletchers white people? A Yes sir.
Q All lived in the State of Missouri? A Yes sir.
Q Did Dr. Fletcher sell you? A Yes sir, sold me to a man named Watt Gilliam. He was going to California at the time, he lived in Missouri.
Q Also a white man? A Yes sir.
Q Did he sell you? A Yes sir.
Q Who to? A To a man named William Jackson.
Q White man? A Yes sir.
Q He lived in Missouri? A Yes sir, he lived in Missouri.
Q Did he sell you? A He died and another Doctor took me for a debt, a Doctor named Dr. Charles.
Q Was he a white man too? A No sir, I don't know what Indian blood he had but he had some.
Q You don't know what Indian blood it was? A No sir.
Q Did he live in Missouri? A Yes sir, and went into Texas.
Q What did he do with you? A About the time the Kansas war broke out he went down in Texas and took me to see his father in Texas, and his father told him he had better sell me, that I would run off and get in Kansas and get free and he sold me to a man named Ben Pulliam.
Q Was that in Texas? A Yes sir.
Q Did he live in Texas? A Yes sir.
Q Was he a white man? A He was a mixed blood, I don't know what.
Q He lived there all the time? A Well he went from Missouri there.

Q What did he do with you? A He sold me again to a man named Joel Thomas.

Q Was he a [illegible] man? A Yes sir.

Q Did he own you in Texas? A No sir, he owned me in Missouri.

Q What did he do with you? A He sold me to a man named Thomas Boggs.

Q Are those all the men that owned you before the war? A I aint sure, I don't know, there were many of them.

Q Those are all the men that you know of that owned you before the war? A Yes sir.

Q Before the war broke out had you ever lived in the Cherokee Nation, Indian Territory? A Yes sir.

Q Where about? A At the Indian Mission.

Q Where was that? A Why it is up here to old Fort Lawrence at that Mission up there.

Q Is that in the State of Kansas? A I suppose so. Governor Johnson I think he was the man in charge of the Mission at that time.

Q Are you sure that that was in the Cherokee Nation that you lived before the war, the place you mentioned as the Indian Mission? A I don't know, the Indians or the Cherokee Nation, I don't know about that.

Q How old were you then? A I was small then.

Q When you can first remember where were you living? A Well I was in Saline County, Missouri. I was five years old then.

Q Then you lived in Saline and Howard Counties Missouri and the State of Texas on up until the war broke out? A Yes sir.

(Witness excused).

----------oOo----------

Geo. H. Lessley, bein first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 15th day of December, 1906.

B. F. Rennie
Notary Public.

FM 324

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedman of

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BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable the Secretary of the Interior:

In the matter of the applications of the following named persons for enrollment as Cherokee Freedmen, considering the applications of:

Fred Downing, et al.

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physibally in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Cherokee Freedman R 242

Enrollment on the Authorized,

Commission to the Five Civilized Tribes.

In the matter of the application for the enrollment of Frederick Downing as a Cherokee Freedman.

-o-

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, March 24, 1906, Frederick Downing appeared before the Commission to the Five Civilized Tribes, and made application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, November 17, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Frederick Downing, was not the slave of a Cherokee citizen, or a free colored person residing in the Cherokee country, at the commencement of the war of the rebellion.

The evidence fails to show that said applicant was ever a resident of the Cherokee Nation prior to the commencement of said war, and it is conclusively shown that he was not an actual personal bona fide resident of the Cherokee Nation August 11, 1866, and did not actually establish such residence in the Cherokee Nation on or before February 11, 1867, as specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Nowa Whitmire, trustee, etc., vs. the Cherokee Nation et al., and as provided by Section Three of the Act of Congress approved April 26, 1906 (34 Stat., 137).

The name of the applicant, Frederick Downing, can not be identified upon the authenticated Cherokee tribal roll of 1880, or upon any other tribal roll of the Cherokee Nation in the possession of this office.

IT IS THEREFORE ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Frederick Downing is not entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly denied.

Tams Bixby.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 12 1907

FILED
24

CHEROKEE FR[illegible]

Date

Post-office

Location

1. Name Andrew Downing Age

Owner's name Citizenship

Year Page No. District

Father Jonas Citizenship

Mother Nancy Downing Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Names of Children

Injunction Case

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer Risom J. O

Cherokee Freedmen

Enld.

Muskogee, Indian Territory, July 8, 1904.

Frederick Downing,

Bellface, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in your case it will be necessary that you introduce further testimony as to your residence at the commencement of the war of the rebellion, and as to the date of your return to the Cherokee Nation after the war.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen

No. 124.

Muskogee, Indian Territory, July 8, 1904.

W. H. Maxwell,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Frederick Downing for enrollment as a Cherokee freedman N-324, (old N. Nomo.19), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the applicant's residence at the commencement of the war of the rebellion, and as to the date of his return to the Cherokee Nation after the war.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 18, 1904, and introduce testimony as above indicated. [redacted] will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

R-224.

Muskogee, Indian Territory, August 9, 1904.

Frederick Lanning,

Sallisaw, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in your case it will be necessary that you introduce further testimony as to your residence at the commencement of the war of the rebellion, and as to the date of your return to the Cherokee Nation after the war.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, September 13, 1904, and give testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

Cherokee
F. B. Doc.

Muskogee, Indian Territory, February 8, 1906.

Frederick Downing,

Gaillona, Indian Territory.

Dear Sir:

You are hereby advised that before your right to enrollment as a Cherokee freedman can be determined it will be necessary that further testimony be introduced as to whether or not you were a slave of a Cherokee citizen at the commencement of the war of the rebellion, or a free colored person residing in the Cherokee Nation at the commencement of said war, and as to your residence during the war and thereafter.

You are therefore hereby notified that you will be given an opportunity to appear before a Field Party of this office at Vian, Indian Territory, at eight o'clock A. M., on Tuesday, February 13, 1906, or at Muldrow, Indian Territory, at one o'clock P. M., on the same date for the purpose of introducing testimony as above indicated. You will be advised of the place of hearing upon inquiry of the Postmaster of either of the above places on the above date.

Respectfully,

GHL

Acting Commissioner.

REGISTER.

[illegible] freedman
D 1043

Muskogee, Indian Territory, May [illegible], 1906.

Frederick Downing,
Gallisaw, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed September 7, 1905, by your attorneys for review in your Cherokee freedman enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

EMP

Cherokee Freedmen
S 400, et al.

Muskogee, Indian Territory, May 26, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
I 480 et al.

Muskogee, Indian Territory, May 28, 1906

Miles & Bulger,
Attorneys for Joseph Brown, et al.
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LRB

Commissioner

Encl. B-25

Cherokee
F B 244.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, November 17, 1906, in the matter of the application for the enrollment of Frederick Downing as a Cherokee Freedman.

Respectfully,

Commissioner.

Incl. GL-1.
GHL

/

Cherokee P.
D 224

Muskogee, Indian Territory, February 18, 1907.

Frederick Downing,

P. O. Box 208,

Sallisaw, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, rejecting the application for your enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H-70
JMB

Commissioner.

Register.

Cherokee 7.
R 284

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 18, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, rejecting the application for the enrollment of Frederick Downing as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.R-71
JMH

Muskogee, Indian Territory, February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Frederick Downing as a Cherokee freedman, together with the decision of the Commissioner, dated February 18, 1907, denying said application.

Respectfully,

Commissioner.

Encl.M-72
JMK

Through the Commissioner
of Indian Affairs.

Copy

Land
Ind.-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 1[illegible], 1907, enclosing the record in the matter of the application of Frederick Downing for enrollment as a Cherokee freedman, including the decision of the Commissioner of the same date, adverse to the applicant.

The record shows that application was duly made to the Commission to the Five Civilized Tribes, March 24, 1902, for the enrollment of Frederick Downing as a Cherokee freedman. Testimony was taken in the matter, March 24, 1902, and November 17, 1906. The applicant was born in Missouri. At the first hearing he claimed he was free born, while at the second hearing he said he was slave born, and was owned by Thomas Boggs. At the first hearing he testified that he lived in the Cherokee Nation before the war, while at the second hearing he claimed that he was living in Missouri at the beginning of the war and had been a resident of that State for ten years prior thereto. His later testimony was to the effect that he enlisted in the army about the year 1863 for three years, was mustered out at Baton Rouge, Louisiana, in 1866, and then went to Leavenworth, Kansas, and early in 1867, enlisted in the Tenth United States Cavalry and served a full term of five years and was mustered out in 1872.

It is clearly shown by the applicant's own testimony that he was not a personal bona fide resident of the Cherokee Nation on August 11, 1866, and did not establish such residence in the Cherokee Nation on or before February 11, 1867, in fact not until about 1872. His name is not found candy of the Cherokee tribal rolls in the possession of the Commissioner. The Office is of the opinion that the decision of the Commissioner denying the application is correct, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE

R.C.[illegible] A. F.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

F.P.S. title, [illegible], [illegible], [illegible]-07,
[illegible], [illegible]-[illegible]. March 1, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Edward E. Lane (Intermarried)	February 4, 1907
Frederick Downing (Freedman)	February 12, 1907
Isaac Warnage (Freedman)	February 12, 1907
Harriet Calloway, et al.,	January 7, 1907
Naoma A. Goins, et al.,	December 28, 1906
Ellis Sheemake,	December 21, 1906

Copies of Indian Office letters submitting your reports and recommending that said decisions be approved, are inclosed.

A copy of this letter and the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary

6 inc. and 12 for Ind. Of.
A F Mc
3-1-07

Chamberlin R D
Abs

Copy

Muskogee, Indian Territory, March 9, 1907.

Frederick Downing,

Box 804,

Salisaw, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Enc. M-112

MK

Checked 7 B
284

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 9, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the application for the enrollment of Frederick Downing as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 1, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

Commissioner.

Enc. M-113

MH

Cher Fr R 325

Trans from Cher Fr Memo No. 18

See Cher Fr D 779

Cher Fr R 325

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 28 1902

B.

C. F.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 8, 1908.

In the matter of the application of LILLIE SANDERS for the enrollment of herself as a (freedman) citizen of the Cherokee Nation.

Appearances:
L. B. Bell, attorney for Cherokee Nation.

LILLIE SANDERS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Lillie Sanders.
Q How old are you? A Twenty-four.
Q Where do you live? A Chelsea.
Q What District?
A I don't know, I have forgotten the name of the District. It is in the Indian Territory.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes sir.
Q Ever been a recognized citizen? A Yes sir.
Q Ever drawn money? A Yes sir.
Q What is the name of your father? A Will Sanders.
Q Is he living or dead? A He is dead.
Q Was he a Cherokee Freedman? A Yes sir.
Q What is the name of your mother? A Queenie Sanders. Queenie Smith, her name was.
Q She is living? A Yes sir.
Q Does she claim to be a Cherokee Freedman? A Yes sir.
Q Do you apply for anyone besides yourself?
A No sir, I have no children.
Q Where was you born? A At Flat Rock.
Q Where is that? A Down Barsby Tahlequah, about there some place.
A I have been there since I was a little kid.
Q Have you ever been outside of the Cherokee Nation?
A No sir. I have been outside but did not stay. I was out to visit this last winter.
Q How long did you stay? A From Christmas until a week or two ago.
Q Where did you go to? A I was visiting in Kansas at a friend's home.
Q How often have you visited in Kansas?
A This is thefirst time I have ever been .
Q This is the first time you hadever been outside of the Territory?
A Yes sir.
Q Do they ever call you Lillie Sales? A No sir, Lillie Sanders.

The authenticated roll of 1880 and the roll of 1896 examined and the name of the applicant does not appear thereon.

Q How much did you draw in 1896? A I didn't draw any.
Q Ever draw any? A Fifteen dollars.
Q When was that, how long ago? A It has been eight or nine years.
Q Your mother never drew any money, did she?
A I guess she did. I can hardly remember these dates. It is way back there.

MR. BELL: How old are you now? A I am 24. I think my sisters and my mother were enrolled last summer.

BY COMMISSIONER: Did you ever go by any other name than Lillie Sanders Ever call you anything else?
A They have called me Lillie Martin, because I married a Martin.
Q What is your name now? A Lillie Sanders.
Q You went back and took up your old name? A Yes sir.
Q When did you marry Martin? A In 1898.
Q Living with him now? A No sir.
Q Ever married before you married Squire Martin? A No.

Lillie Sanders applies for the enrollment of herself, and avers that she is the child of Will Sanders and Queenie Smith. She is not identified upon any of the tribal rolls in the possession of the Commission. She avers that she was born and raised in the Cherokee Nation and has lived here all her life. Her mother, Queenie Smith, and her children, seven in number, have been listed for enrollment as Cherokee Freedmen on Doubtful Cherokee card No. D-779. It does not appear, however, that they are identified upon any of the tribal rolls of the Cherokee Nation. The application for the enrollment of the said Queenie Smith was heard prior to the time that the injunction was granted by Judge Joseph Gill, of the United States Court for the Northern District of the Indian Territory. Under the provisions of said injunction this Commission is without authority to make any record of the application of Lillie Sanders, and same will be listed for rejection.

The applicant is not identified upon the Kern-Clifton Roll of Cherokee Freedmen, or the Wallace Roll of Cherokee Freedmen.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

FILED
1902

CHEROKEE FREEDMEN

Date [illegible]

Post Office [illegible]

Dawes

1. Name _____ Age _____

Dawes's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife [illegible] Age [illegible]

Dawes's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

Names of Children

3. _____ Year _____ Page _____ No. _____ Dist. _____

4. _____ Year _____ Page _____ No. _____ Dist. _____

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No. _____ Dist. _____

7. _____ Year _____ Page _____ No. _____ Dist. _____

8. _____ Year _____ Page _____ No. _____ Dist. _____

9. _____ Year _____ Page _____ No. _____ Dist. _____

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by _____ Stenographer _____

Dismissed case

Mismarriage

COMM'S CON TO THE CONGR
DEC 21 1900
LIFED

Cherokee Freedmen D-[illegible]
(This testimony is also
made a part of [illegible] and [illegible])

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Queenie Smith and her minor children, as Cherokee Freedmen.

It appears that on the third day of October, 1904, the applicant, her attorney and the attorney for the Cherokee Nation were duly notified by letter that each of them would be given an opportunity to appear before the Commission at its offices in Muskogee, Indian Territory on November 16, 1904, and introduce testimony touching the points mentioned in said letter.

There being no appearances on November 16, case was continued by consent, and on November 21, 1904, the following proceedings were had:

APPEARANCES:

Applicant appears in person and by attorney J. J. Mulger representing her attorney, A. S. McRae.

Cherokee Nation by W. W. Hastings.

BLUE THOMPSON being duly sworn, testifies as follows:

BY J.J.MULGER:

Q What is your name? A Blue Thompson
Q Where do you reside Mr. Thompson? A In Chetopa, Kansas.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes,sir.
Q Did you ever live in the Cherokee Nation? A I did.
Q How long? A About fifty-four years, off and on.
Q Were you born in the Cherokee Nation? A I believe I was.
Q Are you acquainted with Queenie Smith, the applicant in this case? A Yes,sir, I am acquainted with her.
Q Were you acquainted with her mother? A I don't know whether I was or not.
Q With the woman who was understood to be her mother?
A Who was her mother?
Q Do you know who was her mother? A No sir, I don't know who that girl's mother was; I knew Fannie Sanders, she had two children , a girl and a boy, I don't know if this be here.
Q Who was Fannie Sanders? A Well she belonged to one of them Sanders's, I don't know which one; She was a darkey woman.
Q You say that you are acquainted with one Fannie Sanders ?
A Yes,sir.
Q Was she the slave of a Cherokee citizen at the commencement of the war? A Well, I didn't see her, but that was what they called her at Gibson.
Q Where did she reside? A At that time she resided at Fort Gibson.

Q Did Fannie Sanders have any children? A She had two. I think
Q What were they? A One was a boy and one was a girl.
Q How old was the girl in 1861? A In 1861, I didn't know her in 1861.
Q Well when did you know the girl? A I knew her during the time I was living down there, might have been in the '67 or '68, somewhere along there.
Q How old was the girl she had with her then? A I don't know, about seven or eight, maybe nine years old.
Q Do you know whether or not this girl, Queenie Smith, is the girl you saw with Fannie Sanders at that time? A No, indeed, she may have been, but I don't know.
Q You say Fannie Sanders had two children? A Fannie what?
Q Fannie Sanders? A Yes,sir, she had two, to the best of my knowledge.
Q Do you know what has become of these two children? A No, sir I don't, I left Fort Gibson, and Fannie did, and I never did see them children to my knowledge.
Q Are you acquainted with Queenie Smith? A No, sir, I don't believe I am, If I am I don't know it.

PATSY JOHNSON, being duly sworn,testifies as follows:

BY MR. MARTIN:

Q Your name is Patsy Johnson? A Yes,sir.
Q What is your postoffice? A Fort Gibson, when I am at home, I am in Tahlequah now, working.
Q You testified in the case of Queenie Smith before? A Yes,sir.
Q You said then that you did not know her? A No, sir I don't know her.
Q You did know Fannie Sanders, who belonged to Mick Sanders before the war? A Yes,sir, she was my aunt.
Q Did you live in the same family? A Yes,sir, Mick lived on one side the road, I lived on the other.
Q Did you know this Fannie Sanders before the war? A Yes,sir
Q Did she go out of the Nation during the war? A No sir.
Q Where did you live during the war? A In about Fort Gibson.
Q Did this Fannie Sanders have some children? A Yes,sir
Q What were their names? A The oldest one was called Dave, he got killed during the war.
Q Next one? A Sallie.
Q Next one? A Rachel.
Q Next one? A John.
Q Four? A Yes,sir.
Q Two boys and two girls? A Yes,sir.
Q What became of Dave? A He got killed time of the war.
Q What became of Sallie? A She died in time of the war
Q What became of Rachel? A She went to Delaware with her husband.
Q State of Delaware? A Yes,sir, Hadley, Delaware.
Q What was her husband's name? A James Gibbs.
Q You testified in this case once before, before the Commission?
A Yes,sir.

Q About what time did Rachel marry? A I really don't know just the year sir.
Q About how long after the war ? A It must have been along about '68 or '69.
Q Was this man Gibbs a soldier? A Yes,sir
Q Stationed at the garrison at Fort Gibson? A Yes,sir
Q A'd John is still alive down at Vian ? A Yes,sir, Not at Vian, at Fort Smith now.
Q What became of Rachel, is she living? A No,sir, I got a letter from her husband, she is dead.
Q Well, you correspondent with them? A Yes,sir, but it has been four or five years since I heard from them now.
Q She had some children by Gibbs? A She had five boys out there, she had one girl she carried away from here when she went.
Q One child was born here? A Yes sir, in Gibson, or out in the country there.
Q Did Rachel marry before or after her mother died?
A Before . Her mother has only been dead some eight or nine years, she died about the same time her mother did.
Q Rachel did? A Yessir.
Q Did you and your relatives correspond now and then with Rachel out there in Delaware. A Yes,sir.
Q At Hadley? A Yes,sir.
Q And you learned from this correspondence that she died some eight or ten years ago? A Yes sir, as near as I can guess.
Q Did Fannie ever have a girl,by the name of Queenie?
A No sir, she only had two?
Q Sallie and Rachel? A Yes sir, Sallie and Rachel; this Fannie, my aunt
Q And Fannie belonged to Nick anders? A Yes,sir we all belonged to Nick Sanders.
Q You never knew of Queenie until this roll proposition came up .
Q I never met her until I met her in Vinita.

BY MR. BULGER:

Q Are you acquainted with Queenie Smith? A No sir, never met her until I met her in Vinita.
Q Do you know who was the mother of Queenie Smith? A No sir I know nothing about her.
Q Do you know whether or not there was but one Fannie Sanders in the Cherokee Nation at the commencement of the war?
A I only had one aunt by that name.
Q But there could have been others? A There could have been others, but there was only this one lived with Nick Sanders

BY HASTINGS:

Q Where did the Nick Sanders that you belonged to live ?
A On Caney.
Q Nick Sanders only owned one Fannie Sanders?
A Only one Fannie, my aunt.

GEORGE WEST VANN being duly sworn, testified as follows:

BY MR. BULGER:
Q What is your name? A George West Vann.
Q Are you acquainted with Queenie Smith? A Yes,sir

Q Were you acquainted with one Fannie Sanders? A Yes, sir I knew some female sanders.
Q Was Fannie Sanders a slave? A Yes, sir.
Q To whom did she belong at the beginning of the Rebellion?
A She belonged to Sanders, I don't know which Sanders.
Q Do you know whether she had any children at the commencement of the war? A Seems to me like she had some children, but I don't know whether they was boys or girls.
Q Do you know whether she had one named Queenie? A No, sir I didn't know the children at all. I knew her but I didn't know the children.
Q Do you know the applicant in this case, Queenie Smith?
A Well, I have been knowing her off and on since the Wallace payment
Q Do you know who was Queenie Smith's mother? A No sir, I don't know; she claims her mother was Fannie Sanders but I don't know that.
Q Did she claim that at the time of the Wallace Payment?
A I wasn't there when she went in to the Court, but just outside, she claimed it.

MY COMMISSION

The testimony in this case will be made a part of the record in the case of Lillie Sanders, M-328 and Serina Brown Cherokee Freedman D-961.

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Lucy M. Bowman being duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings in the above case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 30 day od November, 1904

Charles N. Sawyer
Notary Public.

FILED
APR 2 0 1905
COMMISSIONER OF PATENTS

Cherokee Freedman R.131.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, April 27, 1908.

In the matter of the application for the enrollment of Lillie Sanders as a Cherokee Freedman.

Lillie Sanders, being duly sworn, testified as follows:

Q. What is your name? A. Lillie Sanders.
Q. How old are you? A. 27.
Q. What is your post office address? A. Tulsa.
Q. You are an applicant as a Cherokee Freedman? A. Yes sir.
Q. What is your mother's name? A. Queenie Smith. She used to be Queenie Sanders.
Q. What was your father's name? A. Will Sanders.
Q. Is he living? A. No sir.
Q. When did he die? A. I cannot remember him. He died when I was real small.
Q. Do you know whether your father and mother were married? A. I guess they were, but I don't know.
Q. Who was your father --- was he a state man or a Cherokee Freedman? A. He was a Cherokee Freedman I guess, because he have lots of other relation here and they is all Freedmen. He have lots of kinfolks here, but I don't know them.
Q. Do you know what District he was living in when he died? A. No sir, I don't. We lived on Grand River, but I don't know what District. I suppose we lived on Grand River. That is the ~~in~~ first place I can remember.
Q. Have you got any witnesses here with you today? A. None of them never come. I have one man down there that can make testimony of his relation, but the witnesses I tried to get didn't come. I didn't have no money to send for them. I don't know what to do about it/ I notified them.
Q. The Commission wants to know who your father is -- as to whether or not he was a recognized Freedman. They notified you that that was the kind of testimony they wanted? A. Yes sir. I have a man down stairs that can give some pretty good testimony. I think he is a relation to my father.
Q. Do you know how long your father has been dead? A. No sir.

(The applicant appears in person and by attorneys, Blue & Bulger, who are represented by Grant Foreman, an attorney of Muskogee, Indian Territory, and by consent and agreement, this case is continued to May 11, 1908.)

WITNESS EXCUSED.

-3-

Rule Jeanne Freeman, being duly sworn, states that, as stenographer to the Commission in the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 27th. day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

[illegible]

Subscribed and sworn to before me this the 27th. day of April, 1905.

[illegible]
Notary Public.

FILED
[illegible]

FILED
MAY 17 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen.

[illegible]

[illegible]

In the matter of the application of the enrollment of [illegible] et al. as Cherokee Freedmen.

[illegible], attorneys for the applicants.

[illegible], attorneys for the Cherokee Nation.

C O M M I S S I O N.

On this, the 11th day of May, 1905, this cause coming on to be heard, the applicants appear not in person, but by attorney, and the attorney does not know what to do.

The Cherokee Nation desires that the case be closed.

COMMISSION:

Every opportunity has been granted in this case to the applicants and their attorneys, and the case will now be closed.

Eula Jeanes ~~Brannon, being~~ duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 11th day of May, 1905, and that the above is a true and correct record of said proceedings had in said cause on said date.

Eula Jeanes Brannon

Subscribed and sworn to before me this the 15th. day of May, 1905.

Notary Public.

FILED
MAY 22 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman-[illegible].

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 18, 1906.

In the matter of the application for the enrollment of Lillie Sanders as a Cherokee Freedman.

Applicant represented by Rice A Bulger.
Cherokee Nation represented by W. F. Hastings.
C O M M I S S I O N.

Lewis Sanders, being duly sworn, testified as follows:

MR. BLUE:

Q. What is your name? A. Lewis Sanders.
Q. Where do you live? A. Melvin.
Q. Did you know Will Sanders in his lifetime? A. Yes sir.
Q. What relation to you was he? A. My brother.
Q. Where did he reside in his lifetime, if you know? A. At home and around there till he growed up, and then he just went about anywhere he wanted to.
Q. Are you on the regular roll? A. I am supposed to be.
Q. What was your father's name? A. Andy Sanders.
Q. Do you know whether he was on the roll or not? A. Yes sir.
Q. Do you know whether Will was on there or not? A. He was on some of them.
Q. What roll was he on? A. He was on the Clifton roll.
Q. Do you know whether he was enrolled before that on any of the rolls? A. Yes sir, he was on the Wallace roll, they called it, and the 80 roll.
Q. Do you know whether his father was a slave or not? A. So it is said.
Q. Whose slave was he? A. Nick Sanders' slave.
Q. Do you know whether or not Nick Sanders was a Cherokee? A. They said he was, is all I know.
Q. About how old are you? A. I am about 45.
Q. Were you a slave? A. I was born in slavery time, but I don't recollect anything about it.
Q. Do you remember the war? A. No sir. -- mighty little about it.
Q. Do you know the date of your birth? A. They tell me I was born in '63.
Q. Is that all you know about it? A. The first day of February, '63.
Q. Do you know where Will Sanders died? A. Yes sir, he died up there near Melvin.
Q. Are you able to give about the date of his death? A. No sir, I couldn't.
Q. To the best of your judgment, when did he die? A. I couldn't

tell you for he was killed, and I didn't think anything about the date.

Q. Do you know Lillie Sanders, this applicant? A. No sir. I am not acquainted with her. I have heard her name a few times.

Q. Do you know of either or not she was this child? A. No sir, I don't. I just knowed her father says.

Q. Do you know what her name was before she married this man? A. She told me that she went by the name of Queen Sanders.

Q. Did you ever know her to go by the name of Queen Smith? A. Yes sir.

Q. That is the woman that is the mother of Lillie Sanders, as I understand it? A. Yes sir.

Q. How long has it been since you saw Queen Sanders or Smith? A. About 6 years, I think.

Q. Had you ever seen her before that time? A. No sir.

Q. Do you know whether she ever lived with your brother or not? A No sir.

MR. HASTINGS:

Q. Tell me, to the best of your judgment, when Will died? A. I couldn't tell you, Mr. Hastings.

Q. Was it before or after this Kerns-Clifton payment was made? A. It was after the Strip payment.

Q. That commenced in February of 1897. How long after that was it that he died? A. Sometime along in December after that payment was made.

Q. You never saw this woman, Queen Smith, till after your brother died, according to your statement? A. Yes sir, I guess I did

Q. They never lived together as husband and wife? A. Not that I know of.

Q. Where was it that your brother died? A. He got shot coming from Wagoner to Melvin.

Q. Who shot him? A. Ambrose Buffington.

Q. Where had he been living? A. Around Melvin and Wagoner.

Q. All the time? A. He would just stay anywhere, and stayed at no particular place.

Q. How old was he when he died? A. I don't know.

Q. Was he older or younger than you? A. Younger.

Q. How much younger? A. I couldn't tell you that. In them times we never paid no attention to nothing -- never knowed when Sunday come.

COMMISSION:

Q. What did you say your name was? A. Lewis Sanders.

Q. Do you know whether your brother was ever married to anybody? A. I don't think he was.

Q. Did you ever hear him say he was married to anybody? A. No sir.

Q. Did he ever acknowledge to you that he had any children? A. No sir.

Q. In what District was your brother living twenty-five years ago-- in 1889? A. In Tahlequah.

Q. Were you living there too? A. No, I lived in Cooweescoowee.

Q. Did he make his home with you? A. No sir.

Q. What place did he call his home? A. After the old folks died he didn't make his home no place.

Q. When did the old folks die? A. My mother has been dead 24 or 25 years.

Q. When did your father die? A. He died --- I don't know how long he has been dead. He was dead before that payment was made.

Q. Was he keeping house after your mother died? A. Yes sir.
Q. Was Will living with him? A. No sir.
Q. Where did he call home after your mother died? A. He just stayed everywhere.
Q. Was Will born after the war? A. Yes sir.

MR. BLUE:

Q. In what District did your father live in 1880? A. Tahlequah.
Q. If you have any judgment as to the date of your brother's death tell us? A. It was in December after that payment was made.
Q. Was your mother living in 1880? A. Yes sir.
Q. And your father was living in 1880? A. Yes sir.
Q. As I understand you, Will was born since the war? A. Yes sir.

MR. HARTWIG:

Q. Up until your father died, he made his home with your father? A. No sir.
Q. Up until your mother died, he did? A. Yes sir, mostly.
Q. Then he wandered away from there? A. Yes sir.
Q. Your mother's name was Patsey? A. Yes sir.
Q. And she didn't die until after the '80 roll was made? A. No sir.
Q. Did she die before the Wallace Roll was made? A. Yes sir.
Q. But it was after the '80 roll? A. Yes sir.

WITNESS EXCUSED.

John Sanders, being duly sworn, testified as follows:

MR. BLUE:

Q. What is your name? A. John Sanders.
Q. Did you know William Sanders in his lifetime? A. Yes sir.
Q. What relation was he to you? A. First cousin.
Q. Do you know where he kept his home up until the time of his mother's death? A. I think he principally kept it over on 14 Mile Creek.
Q. Do you know whether he stayed about his father's house until his mother's death? A. Yes sir, I think he did. He run around some before, but he made that his home.
Q. Do you know whether William is dead or living? A. He is dead.
Q. About when did he die, if you remember? A. I don't know. It has been something like 5 or 6 years.
Q. Do you know where he died? A. On 14 Mile Creek.
Q. Do you know whether he died a natural death or was killed? A. He was killed.
Q. Who killed him? A. Ambrose Buffington is who they said. He went to the "pen" for it, anyhow.
Q. You don't know about it, personally? A. No sir.
Q. Do you know the applicant in this case, Lillie Sanders? A. No sir, I am not acquainted with her at all.
Q. You do not know whether she is your brother's child or not? A. No sir, but he was not my brother.
Q. Do you know Queen Sanders or Smith? A. No sir.
Q. Do you know whether your cousin was ever married or not? A. No sir, he wasn't married, I am confident.
Q. Did he ever live with any woman? A. Not as I know of.

COMMISSION:

Q. Do you know whether Will Sanders ever married? A. No sir, he

never married.

Q. Do you know that of your own knowledge? A. Pretty near it.

Q. Did you ever know of his living with a woman? A. No sir, I don't think he did.

Q. Do you know a woman called Queen Smith? A. I met her here a short time ago.

Q. Where else were you? A. Nick Sanders'.

Q. This woman, Queen Smith, claims that she was the slave of Nick Sanders. Do you know anything about that? A. No sir.

Q. Do you know whether Will ever lived with any woman? A. No sir.

Q. Do you know whether he ever made his home around Claremore? A. No sir, I don't. Sometimes he was out six months, and some times a year when he was working.

Q. You say he lived around about 14 Mile Creek? A. Yes sir.

Q. In what District is that? A. I believe 14 Mile Creek is in Illinois District. I am not sure about that, however.

Q. Doesn't it run through more than one District? A. Yes sir, he was all up and down the river.

Q. Do you know where Illinois station is? A. Yes sir.

Q. How far is that from 14 Mile Creek? A. It must be between 20 and 30 miles.

Q. Did your cousin hang around Illinois station that you know of? A. I don't know of it.

Q. Did he ever live there? A. Not that I know of.

MR. HASTINGS:

Q. Didn't he stay around his mother principally until after her death? A. Yes sir.

Q. And he got to running around after her death? A. Yes sir.

COMMISSION:

Q. Did Will ever live arouhd Webbers Falls? A. Not as I knows of.

Q. Did you know him all the time for the last 25 years? A. Not all the time. I knew him often and on. I knowed him all the time till he was a good sized boy, and from the time he was a young man until he got killed.

WITNESS EXCUSED.

S. L. Young, being duly sworn, testified as follows:

MR. BLUE:

Q. What is your name? A. S. L. Young.

Q. Do you know the applicant, Lillie Sanders? A. Yes sir.

Q. About how long have you known her? A. I have known her I guess about 9 or 10 years.

Q. Where did you first see her? A. At Chelsea.

Q. In the Cherokee Nation? A. Yes sir.

Q. Have you known her since that time? A. Yes sir.

Q. Who was she residing with? A. With her mother.

Q. What is her mother's name? A. It was Queen Smith then.

Q. Did you know anything about this applicant before you met her the first time at Chelsea? A. No sir.

WITNESS EXCUSED.

Counsel now the representative of the Cherokee Nation and calls attention to the age of the applicant given on the card, taken the April 2, 1902, which was 24 years of age.

(Applicant is asked her age, and in response thereto, she says as near as she can guess at it, she is 24 years of age.)

The Cherokee Nation desires to have introduced in testimony the record from the Cherokee Authenticated roll of Tahlequah District which is as follows. "Number 2098 -- Andrew Sanders, adopted colored 18 -- M. (dead.)

"Number 2099 -- Patsey Sanders, adopted colored, -- 50 -- F/-- (dead.)

"Number 2100 -- William Sanders -- adopted colored -- 7 -- M -- (dead.)"

MOTION ALLOWED.

Eula Jeanie Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 18th. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken on said in said cause.

FILED
MAY 22 1905

Eula Jeanie Branson

Subscribed and sworn to before me this the 22nd. day of May, 1905.

J Campbell
Notary Public.

FILED
JAN 8 - 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, June 4, 1908.

In the matter of the application for the enrollment of Lillie Sanders as a Cherokee Freedman.

Blue & Bulger, attorneyd for the applicant.

W. W. Hastings, attorney forthe Cherokee Nation.

Commission.

MR. BLUE:

Q. Queenie Smith, being duly sworn, testified as follows:

Q. What is your name? A. Queenie Smith.
Q. Do you know Lillie Sanders? A. Yes sir.
Q. Who is her mother? A Queenie Smith.
Q. Is that yourself? A. Yes sir.
Q. Then she is your daughter? A. Yes sir.
Q. Who is her father? A. Will Sanders.
Q. Do tou know how old Will Sanders was when he was killed? A. No sir, not exactly, but I would say he was 19 or 20.
Q. When was he killed? A. I don't know.
Q. Do you know the names of any of his brothers? A. Lewis, Alex, Bob. I don't know whether they were all his whole brothers or not.
Q. Were you married to Will Sand ers? A. We weren't married like folks are in these times.
Q. Did he ever live with you? A. Yes sir.
Q. Did he live with you regularly or just at times? A. At times
Q. Do you know whether he was ever lawfully married to any woman woman or not? A. No sir.
Q. Where was Lillie born? A. Down here this side of Fort Smith.
Q. You know that Will Sanders was her father? A. Yes sir.

MR. HASTINGS:

Q. You don't know what Will Sanders that was, do you? Answer me say something --- you don't know what Will Sanders he was, do you? A. He was kin to Lewis.
Q. You don't know where he lived? A. No.
Q. What year did you first see him? A. I don't know.
Q. You don't know where he is now? A. They say he is dead.
Q. How old is Lillie? A. 24 or 25 years old.
Q. She said she was 26 or 27. Is that right? A. No, she is 24 or 25.
Q. How old was Will Sanders when you knew him? A. 18 or 19.
Q. How long did you see him before this child was born? A. I couldn't tell you that now.
Q If this Will Sanders who is a brother of these people wasn't but

? years old when this child was born. When it was not this man? A. She said he was ? years old?

Q. If this Will Sanders was just ? years old it was another Will Sanders? A. It was the Will Sanders who is kin to Bob Sanders.

Q. You don't know what kin, do you? A. I never had that asked me.

MR. BLUE:

Q. What, if anything, did Will Sanders, the father of this child, do to help support her? A. He hoed corn and cotton and done first one kind of work and then another, and made a support for me at the time this child was born.

Q. Have you ever heard him say anything about Lillie being his child? A. Yes sir.

COMMISSION:

Q. Who was Will Sanders' mother? A. I don't know.

Q. Do you know the names of any of his brothers? A. I don't know exactly now.

Q. When did you first get acquainted with him? A. It has been a long time.

Q. Where did you get acquainted with him? A. This side of Fort Smith.

Q. What was his business then? A. He was working over in town then.

Q. What town? A. Fort Smith.

Q. You do not know the name of his mother or any of his brothers or sisters? A. No sir, only he claimed kin with Lewis and Bob.

Q. This Will Sanders was about 18 years old when you got acquainted with him? A. He may have been older than that.

Q. Well, we will call him 20 -- and that child is 25 years old now? A. Yes sir.

Q. Then this Will Sanders would be about 45 years old now, wouldn't he? A. Yes sir.

WITNESS EXCUSED.

Bob Sanders, being duly sworn, testified as follows:

MR. BLUE:

Q. What is your name? A. Bob Sanders.

Q. Did you know Will Sanders? A. Yes sir.

Q. What relation was he to you? A. A brother.

Q. Was he older or younger than you? A. Younger.

Q. Are you on the roll regularly? A. Yes sir.

Q. What was Will Sanders' father's name? A. Andy.

Q. What was his mother's name? A. Patsy.

Q. Do you know in what District his father and mother lived in 1880? A. Yes sir.

Q. Where did they live at that time? A. In Tahlequah District.

Q. How far did they live from the town of Tahlequah? A. They called it about 20 miles.

Q. Where was your brother Will living in 1880? A. He was just working for an old man by the name of Sam Powell on Grand River.

Q. Was he ever married to your knowledge? A. No sir.

Q. Is he dead or living? A. He is dead.

Q. Do you know how he came to his death? A. Yes sir.

Q. How was he? A. He got shot.
Q. About what place? Where was the location? A. Over there on 14 Mile Creek, just east of Melvin.
Q. Who is reported to have killed him? A. Ambrose Buffington.
Q. About what was he killed? A. It has been about 6 or 7 years ago.
Q. You don't know the exact date? A. No sir, but it was somewhere along about then.
Q. Did you have any more brothers? A. Yes sir.
Q. What were their names? A. Lewis and Alex, and two half brothers names Willie and Stanford.
Q. Do you know John Sanders? A. Yes sir.
Q. What relation is he to you? A. First cousin.
Q. About how old would your brother, Will Sanders, be if living now? A. He would not be over 30 some odd years old.
Q. How old are you? A. I am 47 or 48. I am the oldest one.
Q. How many children between you and him? A. Two.
Q. About what was the difference in the ages of you children? A. Between me and Lewis there is two years -- I am two years the oldest, and I don't know exactly how old Alex is.
Q. Probably not more than two more years between them? A. It might be.
Q. Then your brother Will would probably be about 40? A. No, I don't think so. When that first Bread Payment was made was when Will was born.
Q. What did you say about the Bread money? A. I said that Will was born just about the Bread Money Payment.
Q. Who have you talked with about this? A. Mr. Hastings.
Q. You say you think you are about 48 years old, and you think your brother Lewis is 46, and your brother Alex would be 44, and Will was next to him? A. Yes sir.
Q. Was there more than two years difference in the ages of any of them? A. Yes sir, there was a good many years between Alex and Lewis.
Q. Did you live at home until after Will was born? A. Yes sir.
Q. Where did Will live? A. I stayed at home with my mother, and all of the other boys run around.
Q. Did Will live at home? A. Not after he got big enough to work.
Q. Do you know Lillie Sanders? A. Yes sir.
Q. How long have you known her? A. About 3 years.
Q. Did you know her in the lifetime of your brother Will? A. No sir.
Q. Did you know anything about his having lived with or having a child by this woman who has just testified? A. No sir, I don't know anything about it.
Q. Have you had occasion recently to look up the age of your brother? A. I saw his age in my father's old bible.
Q. Is that bible in existence now? A. Yes sir, my step mother has it.
Q. What is her name? A. Mariah Gentry.
Q. Did she marry your father after your mother died? A. They never were married.
Q. You think she has the old bible showing the ages of all the children? A. Yes sir.
Q. How long have you known Lillie SandersS' mother? A. It has not been over three or four years.
Q. You do not know, of your own personal knowledge, anything as to what relation Lillie Sanders is to your brother Will? A. Nothing more than what I have heard.
Q. Did you hear any of it from him? A. No sir, I heard it from her.

MR. HASTINGS:

Q. You say your brother was born about the time of the first Bread Payment? A. Yes sir.

Q. Don't you know that that was in 1878? A. I don't know about the year.

Q. If that be true, if your brother was living he would be about 38 years of age. Is that about right? A. That is about as near as I can get at it.

Q. That would make him be born about 8 or 10 years after the war? A. Yes sir.

MR. BLUE:

Q. Have you, really, any thought about it? A. We never did keep no account's of it.

Q. If that record in the old family Bible should show that he was older than that you would think it was right, wouldn't you? A. Yes sir.

Q. How long had he been a man, working for himself, when he was killed? A. I don't know. He worked for himself a long time before he was a man.

Q. What is your best judgment as to the year he was killed? A. I couldn't tell what year. It has been about 6 or 7 years ago.

Q. Is it not longer than that? A. No sir. The man that killed him was sent to the "pen", and I have a brother that went to the "pen" right after that.

Q. Buffington was tried and sent to the "pen"? A. Yes sir.

Q. Where was he tried? A. At Wagoner.

Q. Were you present at the trial? A. Yes sir.

COMMISSION:

Q. How old were you when the war broke out? A. I don't remember anything about the war.

Q. Do you remember the close of the war? A. Nothing only what I could hear.

Q. Do you remember their talking about '66? A. Yes sir.

Q. How old were you? A. I don't know -- I was a small boy.

MR. HASTINGS:

Q. I suppose it will not be disputed that it is a historical fact that the payment referred to by this witness was made in 1878, as a payment was made in that year?

MR. BLUE: A.

A. I don't know whether the court takes judicial notice of that or not, but I would saythat, in the absense of any other testimony, it would not prove anything.

WITNESS EXCUSED.

W. W. Hastings, being duly sworn, states as follows:

My name is W. W. Hastings; I am one of the attorneys for the Cherokee Nation; my age is 38 years; I know, as a matter ---

MR. BLUE: -- I object to this testimony for the reason that it is not the best evidence. I take it that if there was a payment known as the Bread payment there is probably an official record of it, and that would be the best evidence

MR. HASTINGS -- of fact, from an examination of the records, and from my own personal recollection, that the payment referred to by the witness, Pat Hastings, upon the stand, was made in 1876.

MR. BLUE

Q. Is there a written record of that payment? A. Yes sir.
Q. Where is it? A. I am uncertain. I suppose it is in the vaults of the Treasury, and the records in the Executive Office would show an act making provision for that payment; and it is a historical fact so well known among the Cherokee people that I didn't presume it would be called in question.

MR. BLUE: -- The attorney for the applicant moves to strike out all of the testimony of this witness which purports to give the facts that can be proven by the records of the Cherokee Nation, for the reason that this is not the best evidence, and no sufficient showing has been made why the original is not in the control of the Cherokee Nation and susceptible of being introduced as evidence in this case.

W. S. HASTINGS -- as a witness --

I desire to state, as I stated before, that I personally remember this payment. I probably would not have known or remembered that it was in 1876 had I not had occasion frequently to refresh myself from the public records, but I do remember the payment of 1876, and I do know that it was made in that year.

MR. BLUE:

The attorney for the applicant moves to strike that out for the same reasons as given above. Mere personal recollection of a witness who has examined the records is incompetent unless the record is lost or out of the control of the party who seeks to introduce it, and even then, if it is a public record, it should be brought in in a proper way. Such things are not to be entrusted to the fickleness of human memory, as the records speak for themselves.

MR. BLUE to MR. HASTINGS, as a witness:

Q. How old were you when that payment was made? A. I was between 8 and 9 years old.
Q. Were you that old? A. Yes sir.
Q. How old are you now? A. I am 38.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 1st. day of June, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date

Eula Jeanes Branson

Subscribed and sworn to before me this the 8th. day of June, 1905.

Fred C. Branson
Notary Public.

Cherokee Freedman
A-[illegible]

Muskogee, Indian Territory, October [illegible], 1904.

Mr. Hastings & Davenport,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Lillie Sanders as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not Will Sanders, the father of the applicant, was a Cherokee freedman.

The said Lillie Sanders has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock, A.M. on Wednesday, November 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Tams Bixby.
Chairman.

COPY

Cherokee Freedmen
B-[illegible]

Muskogee, Indian Territory, October 8, 1904.

Lillie Sanders,

Tulsa, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the U. S. Indian Agent, of your letter of September 24, relative to your enrollment as a Cherokee freedman.

In reply you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not your father, Will Sanders, was a Cherokee freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Wednesday, November 16, 1904, and introduce testimony as above indicated.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Register.

COPY

Cherokee Freedman
D-188.

Muskogee, Indian Territory, January 18, 1906.

Lillie Sanders,

Tulsa, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that you introduce further testimony tending to show whether or not your father, Will Sanders, was a Cherokee Freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, February 8, 1906, and introduce testimony as above requested, at which time this case will be taken up for final consideration.

Respectfully,

Tams Bixby
Chairman.

Register.

Cherokee Freedman
2 [illegible]

Muskogee, Indian Territory, April 9, 1906

Willie Sanders,

Tulsa Indian Territory.

Dear Madam:

You are respectfully requested to inform this Commission whether or not your father, Will Sanders, was a Cherokee Freedman. It is important that this information be furnished at once, as your case and the cases of your mother and sister cannot be disposed of by the Commission until they ascertain the status of your said father.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

S-328.

Muskogee, Indian Territory, April 29, 1907.

Sims & Rogers,

Attorneys for Lillie Sanders, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on April 27, 1907, in the matter of the application for the enrollment of Lillie Sanders, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-69

Cherokee Freedmen

S-36.

Muskogee, Indian Territory, May 24, 1902.

Bruce A. Bulger,

Attorneys for Lillie Sanders, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on May 18, 1902, in the matter of the application for the enrollment of Lillie Sanders, et al, as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-36

Cherokee Freedmen

[illegible],

Muskogee, Indian Territory, June 12, 1908.

Rice & Bulger,

Attorneys for Lillie Sanders, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on June 1, 1908, in the matter of the application for the enrollment of Lillie Sanders, et al. as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby

Chairman.

Incl. S-60.

Cherokee Freedmen D 778 et al

Muskogee, Indian Territory, July 31, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for enrollment as Cherokee Freedmen of Queesy, Robert, Jessie, Linwood, Mabel, Leslie, Bennie and Mamie Smith, Serina, Della and Debbie Brown, and Lillie Sanders, including the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1908, rejecting said applications.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

Incl. No- 15

Cherokee Freedman
B [illegible]

Muskogee, Indian Territory, July 24, 1907

Willie Masters,

Tulsa, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July [illegible], 1907, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Pine and Bilger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. [illegible]-18

Commissioner

Cherokee Freedmen
D 776,D 681,D-161

Muskogee, Indian Territory, July 21, 1908

Rice and Dulger,

Attorneys for Queeny Smith, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1908, rejecting the applications for the enrollment as Cherokee freedmen of Queeny , Robert, Jessie, Linwood, Mabel, Lottie, Sawnie and Mamie Smith, Serina, Della and Debbie Brown, and Lillie Sanders. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. D 19

Commissioner

Cherokee Freedmen
D-221, D-241, D-242

Muskogee, Indian Territory, July 31, 1906

Reid, Hastings and Davenport,

Attorneys for the Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1906, rejecting the applications for the enrollment as Cherokee freedmen of Queery, Robert, Jessie, Linwood, Mabel, Lucile, Sawnie and Mamie Smith, Serina, Della and Debbie Brown, and Lillie Sanders. You have heretofore been furnished with a copy of the record of proceedings had in this case.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. D-21

Commissioner

Refer in reply
to the following:
Land.
[illegible]-1906.

DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

August 7, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 21, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Queeny Smith for herself and her minor children, Robert, Jessie, Linwood, Mabel, Lucile, Sammie, and Annie Smith; by Serina Brown for herself and her minor children, Della and Debbie Brown, and by Lillie Sanders for herself.

July 21, 1905, the Commission decided adversely to all the applicants.

The record shows that Queeny Smith is the mother of all the other applicants except Della and Debbie Brown, and that one Jim Smith, a non-citizen of the Cherokee Nation is the husband of Queeny Smith and father of all the other applicants except Lillie Sanders and Della and Debbie Brown; that Della and Debbie Brown are children of Serena Brown and one John H. Brown, the denial of whose enrollment was approved by the Department June 23, 1904 (I.T.D. 5104-1904); and that all the applicants, except Queeny Smith, were born since 1866. None of the applicants is identified on any roll of the Cherokee Nation.

The record further shows that although afforded ample opportunity the applicants have failed to show by satisfactory evidence that they possess any rights to enrollment as Cherokee Freedmen.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

H.M.M.
W.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

LRB

I.T.D. 7081-1906. August 24, 1906.

LRB

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 21, 1906, you transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen of Queeny Smith for herself and her minor children, Robert, Jessie, Linwood, Mabel, Lucile, Bennie, and Mamie Smith; of Serina Brown for herself and her minor children, Della and Debbie Brown, and of Lillie Sanders for herself, including your decision of the same date adverse to all the applicants.

Reporting August 7, 1906, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision adverse to all the applicants is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

Cherokee 2 Dr.
[illegible]-[illegible]-2 D-[illegible].

Muskogee, Indian Territory, September 18, 1908.

Hall, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 26, 1908 (I. T. D. 9234-1908), in which the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1908, rejecting the applications for the enrollment of Queenie Smith and her minor children, Robert, Jessie, Linwood, Mabel, Emile, Bennie, and Annie Smith; Serina Brown and her minor children, Della and Debbie Brown; and Tillie Sanders, as Cherokee freedmen, is affirmed.

A copy of said Departmental letter is herewith inclosed for your information.

Respectfully,

SIGNED.

Acting Commissioner.

Incl. CL-304.
GHL

Cherokee 3 Bo
[illegible] B-222.

Muskogee, Indian Territory, September 13, 1906.

Miss A Dulger,

Attorneys for Queenie Smith et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of August 26, 1906 (I. T. D. 9924-1906), in which the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1906, rejecting the applications for the enrollment of Queenie Smith and her minor children, Robert, Jessie, Linwood, Mabel, Lucile, Bennie, and Jennie Smith; Serina Brown and her minor children, Della and Debbie Brown; and Lillie Sanders, as Cherokee freedmen, is affirmed.

A copy of said Departmental letter is herewith inclosed for your information.

Respectfully,

(SIGNED)

Wm O Beale

Acting Commissioner.

Incl. GL-303.
GHL

Cherokee
S 5-1906.

Muskogee, Indian Territory, September 13, 1906.

Lillie Sanders,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of August 28, 1906 (I. T. D. 9924-1906), in which the decision of the Commissioner to the Five Civilized Tribes, dated July 21, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, is affirmed.

Respectfully,

Wm O Bell

Acting Commissioner.

GHL

Muskogee Indian Territory, [illegible]

RECEIVED BY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Willie Leonard

CR 325

Phen H Bryan

Attorney for Applicant.

Muskogee Indian Territory, Sept 1905

RECEIVED BY THE COMMISSION TO THE FIVE CIVILIZED TRIBES one copy of the testimony in Lillie Sanders

Attorney for Applicant.

Muskogee Indian Territory, [illegible] 190[illegible]

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES one copy of the testimony in Julia Hamilton,

R 920

[illegible]
Attorney for Applicant.

Cher Fr R 326

Trans. from Cher Fr Memo No. 19

No. 4 trans. to Cher Fr 1967

Cher Fr R 326

FILED
MAR 9 1905
COMMISSION TO FIVE TRIBES.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 10, 1906.

In the matter of the application of Nancy Fairchild for the enrollment of herself and children as freedmen of the Cherokee Nation, she being sworn and examined by the Commission, testified as follows:

Q What is your name? A Nancy Fairchild.
Q How old are you? A 56.
Q What is your postoffice address? A Fort Gibson.
Q What district are you living in? A Over there on the river; I don't know what district.
Q Do you apply for enrollment as a Cherokee freedman? A Yes sir.
Q Do you want to apply for anyone besides yourself? A My daughter.
Q How old is she? A Seventeen.
Q What is her name? A Fannie Fairchild.
Q Is she living? A Yes sir.
Q Any other children? A John.
Q How old is he? A Twenty.
Q Is he living? A Yes sir.
Q The next child? A Admiral Dewey Johnson.
Q How old is he? A Two years old.
Q Is he living? A Yes sir.
Q Where were you born? A Born near Peavine.
Q Where is that, in what state or territory? A In the Cherokee Nation.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen? A On the Clifton Roll; I went before the Council and they didn't do anything for me.
Q Did you ever draw any money? A No sir; the name I had put down is on the roll yet; it was found at Gibson last year as Nancy Rogers. My oldest son is on there too.
Q Who is the father of Fannie and John? A John Fairchild.
Q Is he living? A He is dead.
Q He was a state man? A Yes sir.
Q Who is the father of Admiral Dewey? A Seymour Johnson.
Q Is he living? A Yes sir.
Q Are you living with him? A No sir, this is Fannie's child. They got ready to get married; he folled her, he ensever come up to the contract; they never married.

The tribal rolls of the Cherokee Nation examined and the name of the applicant nor her children are identified thereon. The records of the Cherokee Nation examined and fail to disclose that either the name of the applicant or her children were admitted to citizenship in the Cherokee Nation by the legally constituted authorities.

Q What was your owner's name? A Joseph Rogers.
Q Is he living? A No sir.
Q What was he a Cherokee? A Yes sir, Cherokee and old settler.
Q Where were you living when the war broke out? A Close to Peavine
Q Did you leave the Cherokee Nation? A Yes sir, went to Texas.
Q When did you come back? A In the fall after peace.
Q Where have you been living since that time? A I was in Gibson and Fort Smith working.
Q How long did you live in Fort Smith? A Off and on three or four years working out; I had a home on this side, lived at Muldrow a while.
Q You never drew any money from the Cherokee Nation? A No sir, my name was on the roll; Ike Rogers identified me and I couldn't get him to go with me and I had the roll searched and my oldest boy was found with Ike's family and his money had been drawn.
Q You never drew any money for yourself or your children? A No sir.

D/ Nancy Fairchild et al.

Nancy Fairchild applies for the enrollment of herself, her two children, Pecola and Sam Fairchild, and her grandson, Andrew Davey Johnson, neither the applicant nor any of her children are identified on any of the tribal rolls; her grandson is too young to be upon any roll, neither does it appear that the applicant or her children were ever admitted to citizenship in the Cherokee Nation by the tribal authorities. This application comes within the provisions of the temporary injunction recently granted by Judge Joseph Gill, Judge of the United States Court for the Northern District, Indian Territory, and under the provisions of said injunction this Commission has no authority to list the applicant for enrollment as a Cherokee freedman, nor has it the right to list her children or grandchild for enrollment; consequently, her application for the enrollment of herself, children and grandchild will be listed for rejection.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

R. O. Rothenberger.

Subscribed and sworn to before me this 24th day of May, 1902.

P. O. Reuter,
Notary Public.

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy from the original, and that the same is true and correct.

George H. Lessley

Subscribed and sworn to before me this 9th day of March, 1905.

Myron White
Notary Public.

CHEROKEE FREEDMEN

Name

Age

Parents

Father

Mother

Name

Age

Parents

Father

Mother

CONVENTION FOR THE PROTECTION OF
CITIZENS
MAY 10 1906
OFFICE MAY OF THE PRESIDENT
PROVIDED BY THE PRESIDENT

DEPARTMENT OF INTERIOR

CHEROKEE FREEDMEN

Roll [illegible]

Field office [illegible]

Division

1. Name

Age

Original name

Citizenship

Tribe Page No. District

Parents

Father Citizenship

Mother Citizenship

2. Name of child [illegible] Age 3 [illegible]

Chosen name [illegible] Citizenship [illegible]

Tribe Page No. District

Parents

Father Citizenship

Mother Citizenship

Name of Child

1. [illegible] Year Page No. Dist.
2. [illegible] Year Page No. Dist.
3. [illegible] Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by No 8. Stenographer [illegible]

FILED
DEC 27 1904
COMMISSION TO FIVE TRIBES.

Cherokee 7 D-454.

TESTIMONY IN THE MATTER
OF
APPLICATION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NANCY FAIRCHILD ET AL, as Cherokee freedmen.

It appears that on August 18, 1904, the applicant and the representatives of the Cherokee Nation were notified that the applicant would be permitted to appear before the Commission on September 18, 1904, and submit further testimony in the above entitled cause, and this cause not being reached on September 18, 1904, was called for trial on this September 18, 1904.

APPEARANCES:
Applicant by her attorney, James Hart.
Cherokee Nation by its attorney, James S. Davenport.

JERRY MARTIN, being first duly sworn, testified as follows:

BY MR. HART:
Q What is your name? A Jerry Martin.
Q What is your age? A I don't know exactly, about 60 some odd I think.
Q Where were you born? A Up in the Nation.
Q Cherokee Nation? A Yes sir.
Q Are you acquainted with Nancy Fairchild, formerly Nancy Rogers?
A Nancy Rogers used to belong to Joe Rogers, I know her.
Q Do you know Nancy Fairchild? A Yes sir she married John Fairchild.
Q When did you first know her? A I used to go to the old saw mill and we were little children playing together around there.
Q When was that? A Before the war.
Q Where were you when the war broke out? A I was up there until '63 and I listed.
Q Up where? A On Grand River.
Q Cherokee Nation? A Yes sir.
Q Did you see Nancy Rogers or Fairchild in the Cherokee Nation before the beginning of the war? A I saw her before I went, she was a little girl.
Q State whether or not you saw her during the war? A No sir, I didn't see her during the war, after I saw her in '61, the war broke out after that if I mistake not, Joe Rogers died and Charlie Rogers, took the slaves and went to Red River.
Q Who was he? A A Cherokee Indian just like this man here.
Q When did you see Nancy Rogers or Fairchild after the war? A When I was discharged here at Fort Gibson in the fall of '65 up until way down after Christmas, the next spring we were dancing and frolicking together and going to partice. We had a chance to go to parties then.
Q At Fort Gibson? A Yes sir.
Q Do you know whether or not Joe Rogers was a Cherokee citizen at the breaking out of the war? A He was Indian, and if he aint no citizen, I don't know how you get up a citizen.

BY MR. HATHAWAY:

Q How far did you live from Joe Rogers when the war broke out?
A We lived in the pinery close to Pea Vine and I live up there on the west side of Beatty's Prairie.
Q How far was it? A It was a boy I couldn't tell.
Q Had you ever been to Joe Roger's place before the war broke out?
A Yes sir to the saw mill.
Q How far was his house from the saw mill? A You could see it.
Q About how far was it? A If I should say it was a hundred years and never measured it, to thebest of my judgment I think about 300 yards.
Q Then you never was at his residence before the war? A I played all around his place many a day.
Q Where did the applicant live with reference to where Joe Rogers' home place was before the war? A In the kitchen.
Q How do you know if you never was to Joe Roger's house? A All colored people lived in the kitchen then.
Q Do you know where she lived? A She lived there in his quarters.
Q Were you ever in the house where she lived? A I was in the house where several lived but to say whether that was her indispensable house or not, I couldn't tell you.
Q When was that? A To thebest of my judgment it was in about '56 or '57.
Q And you was not at Joe Roger's house from 1856 or 1857 until after the war? A I was playing all around there.
Q How long did you live at the Joe Roger's house? A I never lived there, just go backwards and forwards, I tell you where I lived was on the south east corner of Beatty's Prairie.
Q How far was it from Joe Roger's place to where you lived? A I don't know.
Q One or tow miles? A More than a mile, I don't know.
Q How often would you go to Joe Roger's? A We were going every where.
Q You don't mean to say that the colored boys then went promiscuously over the country out there not older----
A I did.
Q Who did you belong to? A Susie Rowe.
Q And you lived with her on her place on the south side of Beatty's prairie? A Yes sir.
Q And so far as you knew the applicant here lived with Roger's on Pea Vine? A Yes sir.
Q I will ask you if the places aren't nearly twenty miles apart?
A I don't know.
Q How old were you at the breaking out of the war? A I soldiered in '63.
Q And were you allowed to run over the country? A Yes sir.
Q And Mrs. Rowe didn't have any restrictions over you, just allowed you to run about as you pleased, did she? A I went with all the rest of the children.
Q Did all the children go every time you went to Joe Rogers? A No sir.
Q How often would you go to Joe Roger's place from Mrs. Rowe? A
A Sometimes I would be there like now and may be a month or two I would go again. When the cattle went over there, or go over there for lumber.
Q You didn't have any work to do or anything of that kind? A No sir, but attend to sheep and hogs.
Q You would drive your sheep up there? A No sir.
Q You would drive your hogs? A No sir.

Q Who would you go with? A Some of the hands on the place, whoever went, I could get my mamma to let me go.
Q Didn't you belong at that time to Sue Rose? A Yes sir.
Q She had no restrictions as to whether you worked or not? A No sir she didn't.
Q You went when you pleased and come when you pleased? A She always tole me to get back and I tried to get back, but I got to go.
Q Didn't make much difference how much work you had to do? A No sir.
Q When did Joe Rogers die? A He died, if I mistake not, about the second year after the war broke out.
Q Where did he die? A Upon Grand River.
Q At what place? A At his house.
Q The same place where he lived when you made those visits so often? A If he had built another house I didn't know anything about it.
Q What year did he die in? A The second year after the war.
Q Where was he burried? A There in the graveyard.
Q What graveyard? A The graveyard the Indians had.
Q Do you know? A His graveyard right on his place.
Q Then he was burried in the graveyard on the old Joe Rogers place? A Yes sir.
Q Did he have any brothers? A Yes sir.
Q What were their names? A He had Charlie, but to say Glen, Henry and Mary I don't know.
Q Where was Charlie Rogers living when you was at Joe's house so much? A I don't know.
Q Did you ever see Charlie Rogers after the war? A At Gibson when the war was closing.
Q Did this applicant and you stay together during the war? A We didn't live in the same house, we only played.
Q You and the applicant played together during the war? A Yes sir I have played with her.
Q What year? A I don't know exactly, I told you about '56 or '57.
Q From then on up until the war broke out where were you? A Just running around up there.
Q After the war broke out, do you know anything about what became of the applicant then? A Yes sir.
Q Where did she go to your knowledge? A Mr. Charlie Rogers picked them all up and shoved them to Red River and I didn't see her any more until '65.
Q Did you see her on Red River? A No sir.
Q How do you know he carried them there? A She told me after she come back, he carried them all and they all said they went to Red River.
Q You don't know where the applicant went during the war of your own knowledge, do you? A No sir.
Q When did you see the applicant after she went away from the Cherokee Nation the next time? A '65, in the fall of '65.
Q Where was that? A At Fort Gibson.
Q What was she doing? A She was up there in the garrison washing.
Q For whom? A I don't know, the soldiers.
Q Where were you living at that time? A Around there in the garrison.
Q Did you have any home? A I stayed at the commissary, worked there.
Q What makes you remember this woman more than any one else you saw there then? A She was at that day and time as good looking woman and you know pretty well how that is.

Q She wasn't a woman when she left the Fathers at the beginning of the war, was she? A She was a young girl.
Q There were a great many other women there of her character at that time was there not and her age? A I don't know, I don't have her age.
Q Wasn't there a great many colored people around there after the war? A Yes sir.
Q Was the colored people around in the garrison before the cholera came on? A They had a camp.
Q The camp wasn't in the garrison.
Q Which was it, was you working at the commissary at the garrison, or working where when you met this woman? A At the garrison.
Q You don't mean to say this woman was in the garrison? A Yes sir, she washed up there and was backwards and forwards in the old town.
Q Working there with Polly Nivens? A I couldn't say that.
Q Did you know Polly Ross at that time, a colored woman? A I don't know.
Q Tell me one other woman that you remember that was there in the garrison in the fall of 1865 and 1866 but this woman? A My sister was there I knows I knowed her, and she died there and several of them.
Q Was your sister there in the garrison before the cholera broke out at Fort Gibson? A My sister died in the small pox hospital and my brother.
Q Was it before or after the war they had the cholera there at your place? A I seed her before.
Q How long before? A I don't know exactly
Q Six months or a year? A Five of six months.
Q Did Joe Rogers have a wife at the time you claimed you were there at his house? A There were some women there but I don't know about his wife.
Q Do you know ~~xxxx~~ any of their names? A No sir.
Q Did Joe Rogers have any children? A He had one boy.
Q What was his name? A I don't know.
Q Do you know whether or not there were any other people living around in there? A There were several.
Q What were any of their names? A Lynch.
Q Do you know what his first name was? A No sir.
Q How far did he live from Joe Rogers? A I don't know.
Q Did you ever see his home? A Yes sir.
Q What kind of a house did Joe Rogers live in? A One hewed log house and one round log house.
Q Had a spring there near the house? A Yes sir.
Q Had a stone spring house, didn't he? A Not that I know of.
Q Did he have any at all? A I never paid any attention.
Q Did he have any other colored people besides this applicant?
A Yes sir.
~~Xxxxxxxxxxxx~~
Q What were their names? A I never asked them.
Q Did this woman have a mother or father or brothers or sisters?
A She had a mother of course.
Q Did you ever see her mother? A Yes sir at a distance.
Q About how far away from her was you when you saw her? A Not very far.
Q What was her name? A I nearly forgot but I think Francis.
Q You don't know? A I think it was Francis.
Q How do you happen to remember this woman's name so well? A I saw her since and had a great deal of talk with her and great deal of acquaintance.
Q Been talking with her recently? A No sir I haven't seen her now for God knows when.

BY MR. HART:
Q As I understood you, you enlisted in the army during the war?
A Yes sir.
Q Where was you mustered out? A At Gibson.
Q What year? A Fall of '65.
Q Did you afterwards enlist? A Yes sir.
Q What year? A '67.
Q Did you stay in Fort Gibson during the time between the time you was mustered out and the time you re-enlisted? A I went up the country and stayed about four or five weeks to the best of my judgment, and came back and enlisted under Major Beary.
Q And it was during this time that you knew Nancy Fairchild or Rogers? A Yes sir.
Q How many years has it been since you saw or talked with Nancy Rogers or Fairchild? A It has been about, may be not quite a year. I saw her when the payment-----
Q Time of the Kern-Cliftne payment? A Yes sir.

BY THE COMMISSION:
Q Who did you saw owned you at the time the war broke out? A My mother.
Q You was not a slave? A No sir.
Q You never was a slave? A No sir.
Q Are you an applicant for citizenship rights before this Commission? A No sir not now, I have been in the past.
Q Is your name on the 1880 roll? I don't know sir, I was in the regular army when the 1880 roll was made.
Q And you don't know where the applicant has lived since you saw her at Fort Gibson in 1866? A Fort Gibson is where I saw her the most.
Q You didn't see her there from 1867 to 1884 did you? A No sir.
Q You say her owner was Joe Rogers? A Yes sir.

This case was here continued until September 19, 1904.

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SEPTEMBER 19, 1904.

In pursuance of continuance heretofore had in the above entitled cause, the same was this September 19, 1904, call for the purpose of taking further testimony therein.

APPEARANCES:
Applicant by attorney, James Hart.
Cherokee Nation by its attorneys, L. B. Bell and W. W. Hastings.

BART THOMPSON, being first duly sworn, testified as follows:

BY MR. HART:
Q What is your name? A Bart Thompson.
Q What is your age? A Aunt Mandy says I am about 63, that is as near as I could come at it.
Q Where have you been living the last 35 or 40 years? A Out on Four Mile Ranch.

Q. Where is that? A About four miles the other side of Fort Gibson we called it.
Q. Where was you living before the war commenced? A On Beatty's prairie.
Q. Cherokee Nation? A Yes sir.
Q. Was you acquainted with Nancy Rogers or Fairchild before the war? A I was acquainted with Joseph Rogers, her beau.
Q. Was you acquainted with his brother? A Charlie.
Q. Where was you living before the breaking out of the war? A Moved on the other side of Grand River.
Q. Cherokee Nation? A Yes sir in the nation.
Q. Do you know when Joseph Rogers died? A He died just before the war, but to say exactly, the date I couldn't tell, I just state it like it is.
Q. Do you know what became of his slaves? A Charlie Rogers, his brother, got some of them.
Q. Do you know any of them that Charlie Rogers got? A Yes sir he carried Nancy south.
Q. Nancy who? A Nancy Fairchild they called her.
Q. The applicant in this case? A Yes sir.
Q. He carried her south? A Yes sir.
Q. Before the war? A Yes sir.
Q. What if any position did you occupy with reference to Charlie Rogers during the war? A He was in the war with me, he was soldier and I was a waitman.
Q. And you were occupying what position? A Waitman what we call lucky boy.
Q. How long before the war did you know Nancy Rogers or Fairchild?
A. I never knowed Nancy until the war came up and I knowed her mother Francis cause she was taken over to Dr. Thompson's to doctor on. She died just a little before the war started.
Q. You knew Nancy at the time the war broke out? A Yes sir just a young lad of a gal.
Q. Who owned her at that time? A Charlie.
Q. Charlie who? A Charlie Rogers.
Q. That was after the death of Joseph? A Yes sir.
Q. Did you see Nancy after the war was over? A Yes sir.
Q. When did you first see her? A I seed her along about in '65 when I saw her.
Q. Where did you see her? A I seed her here at Fort Gibson.
Q. Did you go out of the Territory during the war? A Yes sir.
Q. Where did you go to? A I went to Texas and came to the Chickasaw Nation close to Colbert Station, the place they called the Fisher place.
Q. Where had you come from when you saw Nancy at Fort Gibson? A I had come from Prior Creek.
Q. How long had you been in the Cherokee Nation? A I come back in '66.
Q. Was Nancy here when you got back? A Yes sir, she was here.
Q. Where was she living, do you know? A No sir, I don't know where she was living.
Q. Where did you see her? A I seed her at Gibson.
Q. Have you known her since that time? A Yes sir, ever since.
Q. Where has she been living since the war? A Just about and about, first one place then another.
Q. How long has she been living in Fort Gibson? A About 14 years I reckon, may be longer.
Q. Have you known where she lived since the war, all of the time?
A. Yes sir.

Q Where was it? A She stayed down at Webbers Falls awhile and she stayed to Bend Town awhile, and Fame on this side of the river.
Q All these towns in the Cherokee Nation? A Yes sir just living about nothing for a living.
Q Do you know whether or not Charlie Rogers was a Cherokee citizen at the breaking out of the war? A Yes sir he was a recognized citizen because I helped bury him, he was an Indian.

BY MR. BELL:
Q Are you the same Bart Thompson that testified in the Laura Gross case, D 1042? A Yes sir the same fellow.
Q Where did Joe Rogers live the one that you claim was the owner of Nancy Fairchild? A The other side of the river, right in the edge of the prairie, used to have a ranch over there.
Q Locate the other side of the river a little more definite? A
A Right above where they said old Contention was, you know all about that.
Q The place where he lived was just above the Military crossing on Cabin Creek west of Grand River was it? A I know where the California road crosses.
Q You know where that ford was? A Yes sir.
Q Where I lived? A Yes sir.
Q How far above that was that? A I couldn't tell you how many miles from there, I didn't know then what a mile was, my remembrance about it, it might have been three or four or ten miles, I don't know.
Q You know this place you call Contention was about four or five miles above the Military crossing on the crossing of that road?
A I never seed it measured, I couldn't tell you that.
Q Do you know anything about it? A I know it was above that.
Q Do you know where Johnson Thompson lived? A Yes sir he lived on the other side of the river.
Q How far was that from that Contention place? A I think Johnson Thompson's place was where he had the store at the Contention place, if I aint mistaken.
Q Is that Contention place you speak of in the prairie? A No sir in the timber, right in the edge of the prairie, and it has been so long I just couldn't hardly tell you where that Contention place stood.
Q That Contention place was over at Johnson Thompson's house or near there? A Yes sir I think it was where he had his store.
Q No thinking about it what do you know? A He had a building over there and he had a store there too.
Q Did he have a store at his house? A If he had a store at his house I don't recollect it.
Q What sort of house did he live in? A He had a brick house put up I think, yes sir a brick house.
Q If there was no store at the brick house, that wasn't contention?
A I didn't say the brick house was contention, his store was at the place they called contention.
Q Where was that? A Out west from his house as near as I can come at it.
Q How far? A I told you I never heard of it being measured.
Q Was it on the big travelled road there from Fort Scott to Fort Gibson or not? A There were so many travelled roads there were roads all from there I don't know whether it was on the main big road or not.
Q How far from Johnson Thompson's brick house did Joe Rogers live?
A I tell you I never had knowed of that being measured to know how many miles it was.
Q Guess at it? A It may be 4 or 5 miles, and it may have been further and it may not have been so far because I was just a little boy and I didn't know anything about miles.

BY MR. [illegible]:

Q Do you think it was 20 miles? A No sir.

Q Did you ever ride over there? A Yes sir.

Q How long did it take you to go out there? A I couldn't tell you that, I could not go it because I don't know.

Q Give us your best idea, if you have one, do you think it was as much as 20 miles? A I don't know whether it was 20 miles or not.

Q Was you down at the old Johnson Thompson brick house before the war? A Before the war, I reckon I was always around there, that was my home.

Q And you have been to the Joe Rogers place? A Yes sir, but I couldn't tell you how far it was, I couldn't do that, don't want to try.

BY MR. [illegible]:

Q How old was Joe Rogers when he died? A I couldn't tell that man's age, he was a man, I was a boy.

Q How many slaves did Joe Rogers have besides Nancy Fairchild?

A Had an old fellow called Uncle Joe, I knowed him and Francis, I knowed her because she got crippled and he had several others but I don't know their names.

Q Did he live on the est or west side of Grand River? A I think it was on the west side from here, I think it was on the west side from here.

Q Do you think it was north of Centertice? A Kinder north west from Centertice as near as I can come at it.

Q How far do you think it was from that store house? A Didn't I tell you I couldn't tell.

Q Was it five miles? A I ain't going to to say because I don't know, I wasn't acquainted with no miles.

Q What sort of a house did Joe Rogers live in? A If I ain't mistaken he had what we called a frame house, it may have been a log house framed up, I don't know.

Q Was you ever at his house? A Passed there many a time, and he had been to ours many a time.

Q And you have no recollection about his age? A No sir because I don't know about his age.

Q Did he appear to be an old man or a young man? A He appeared to be like about a middle aged man but I don't know that is as nigh as I can come at it, I don't know what you might call a middle aged man's age.

Q Who was this brother Charlie of his? A Charlie Rogers he was a soldier under Alberty, he married Susie Foreman and died right down here in the river bottom and we buried him right the other side of Bill Ross's.

Q How old was he? A I couldn't tell you his age.

Q When did he die? A He died after the war but I couldn't tell you how long afterwards but he died here in the river bottom after peace was declared.

Q And he took these negroes south? A Yes sir because this woman Nancy was with old Mrs. Peck.

Q You say she lived about 14 years about Fort Gibson, what time did she 14 years move, from now back? A I didn't learned to date any time, about that, I said I guess about 14 years.

Q What was that 14 years? A 14 years back.

Q From when? A Yes sir, I said it might have been 14 years or longer.

Q 14 years, would that answer it? A I don't know.
Q 14 years, would that do? A It might be 14 or 20.
Q Say 30? A You can say that if you want to.
Q Do you see 30 years? A I will take 30, it might have been 30, you can take 30 if you want to assume I don't go that.
Q How come you to say 14 years? A I said about 14 years back and it may be longer, I said no certainty.
Q Is there to be any certainty in anything you are telling? A Yes sir and you pretty well know it too.
Q When did you first see this applicant here? A I tell you when I first saw her probably it might have been 14 years or longer, but I first seed her on Red River down south, peace was declared then, at least we were set free.
Q You saw her about 14 years ago first, or 30 which one? A Just count it the way you want to count it.

BY THE COMMISSION:
Q You answer the question? A I said 14 or longer.
Q And you said it might have been 30? A Yes sir.

BY MR. [illegible]:
Q When did you first see her? A Just say about 14 or 15 years ago.
Q Take back all that 30 do you? A Sir.
Q Where did you say you first saw her? A On Red River.
Q When was that? A Just a little while before we were free, you know when it was.
Q Who was she with when you saw her? A Mrs. Pack.
Q Who was Mrs. PAck? A Old Mrs. Pack, we went from this country that used to live up between here and Long prairie somewhere, a Cherokee woman.
Q Couldn't you be more definite than somewhere, where did she live?
A I don't know exactly.
Q How old a woman was she? A I couldn't tell you that.
Q Tell me something about Francis, where did you know her first, the mother of this applicant? A Dr. Thompson took her to doctor her.
Q Where was that? A On Grand River on this side of the river.
Q On this side of is rather indefinite, on the west side or east side? A I think on the east side.
Q When did he take her to doctor her? A Just before the war.
Q And you think then about 15 years ago is the first time you have seen this Nancy Fairchild here was it? A That is as near as I can come at it, might have been longer.
Q Did she have any children when you saw her? A Yes sir she had children.
Q How many? A She had three or four when I saw her.
Q What were they? A I think two gals and two boys.
Q Know their names? A One was named Emma, I pretty near forget them, one was called Willie, and I know them but I can't think of the children's names, I know them just as good as I know myself
Q Aint you well acquainted with them now, don't they live close to you? A Yes sir.
Q Are you certain about the number? A Yes sir.
Q Which one is the oldest? A I think the girl is the oldest.
Q Which is the next one? A I believe the two gals is the oldest.
Q Give us the age of the third? A I was trying to think of them names, I can't call them.

Q Which was the third? A I think Willie is the third.

Q Which is the court? A That there boy, I wasn't well acquainted with his name.
Q What was Fanny's husband name? A Fairchild.
Q Sam, Rich, Bob, or what? A Fairchild is all I ever called him.
Q You never knew his christain name at all? A No sir.
Q Is he dead or alive? A He is living.
Q Tell me who this Admiral Dewey Fairchild is? A Addie also it.
Q Answer my question, do you know a Dewey Fairchild? A Yes sir.
Q Who is he? A He is a man that belongs in the Creek nation I guess.
Q Do you know any more of Fanny Fairchild's family? A Yes sir, I have done call all I know of them there was only four children.
Q Did Fannie have any children? A Yes sir she has got a little boy.
Q After Dr. Thompson got through doctoring this Francis, what became of her? A He didn't cure her, she died.
Q Tell me how far from Contention you think it was to where Joe Rogers lived up there? A I have done told you all I am going to tell you about that.
Q You are positive he lived up there some few miles, northwest of Contention, the old store house of Johnson Thompson? A I think it was, that is my belief about it.
Q You started out knowing all about it? A I said he lived on this side of the river.
Q Or the west side? A Yes sir.
Q That was some years before the war? A Yes sir.
Q About how many years before the war when you first became acquainted with Joe Rogers? A He used to come to our house before the war when I was a boy buying cattle, he had a ranch out there somewhere.
Q What do you mean by our house? A The old James A. Thompson place on Beatty's prairie.
Q How far was that from Contention, to Joe Rogers? A I think they used to call it 20 or 25 miles.
Q Joe Rogers had a habit of coming up there and buying cattle from your master? A Yes sir he come all through the country buying cattle.
Q He had a brother Charlie? A Yes sir.
Q That died here at Fort Gibson? A Yes sir.
Q Up there in the bottom? A In the edge of the prairie the other side of Bill Ross's in the edge of the bottom.
Q Where did Charlie live? A Charlie's wife used to run the ferry down here.
Q I didn't ask you about his wife? A He lived with her there at the ferry.
Q The Charlie Rogers you speak of is the Charlie Rogers that married Mrs. Susan Foreman? A Yes sir.
Q Where did Charlie live when the war began? A I never have been to his place.
Q When did you first see him? A It was the year the war had started just starting, before the war.
Q Where? A At old Fort Wayne.
Q What was he doing there? A He had listed in the army and going off.
Q What army was he in? A He belonged to Watie's regiment.
Q Was that in 1861, the first, second, third, or fourth year of the war? A I aint going to answer that, I don't know
Q You said it was at the beginning of the war? A I can't do it.

Q Do you know what company he belonged to? A No sir, I don't know what company he belonged to.
Q You say you saw him at Fort Wayne, did you see him right on the old fort grounds? A Yes sir, right at our old place.
Q Did he have his comrades with him? A He was just a company soldier.
Q Was he by himself? A No sir he was with the company.
Q How come you to know him? A I was along going out to Maysville to that camp ground, he used to devil me so much.
Q That was when the soldiers were camped over there in camp Palmer?
A Yes sir you know all about it.
Q Watie's army was going over there and he was with them? A Yes sir.
Q And you were along? A Yes sir.
Q Who were you with? A Joe and Bob Parks and Clem Vann and Jim Butler.
Q Joe do you mean Colonel Thompson? A Yes sir.
Q The preacher ever here now? A They say he is a preacher.
Q Do you know who this Charlie Roger's mother was? A Couldn't give that at all.
Q Do you know where he lived when the war began? A I have done told you all about that I can tell you.
Q You haven't told me anything? A I have told you all I know about Joe Rogers.

BY THE COMMISSION:
Q Do you know where he lived? A No sir.

BY MR. BELL:
Q Tell me where Joe Rogers lived as near as -----
A I have give as close to it as I can, no use making out about it, I don't know any more.
Q When did you come back to the Cherokee Nation? A I told you they told me it was in '66.
Q You tell the court about it, when you got back? A My people said it was in '66, they had a certain time to come here in, my o old boss said he just had a certain time to come.
Q And you come with whom? A Uncle Jim Allen and Martin Thompson, I drove Martin's team.
Q You say you came with James Allen Thompson? A Yes sir.
Q Martin's father and your old master? A Yes sir.
Q And you come here in '66? A They said it was that time, I don't know no more than what they would tell me.
Q I will ask you if you come with them? A Yes sir, if he was living today he could come here and tell you.
Q Was Joe Rogers married? A Yes sir he had a family.
Q How many children? A I don't know anything about his children.

BY MR. HART:
Q Do you remember at the time you came back from Texas of seeing Nancy Fairchild? A Yes sir.
Q You answered Mr. Bell that your only recollection of see her extended back to 14 or 15 years? A Yes sir.
Q What did you mean by that? A I will tell you what I want, that is as far as my knowledge let me back right then and I spoke that.
Q And you do recollect of seeing her immediately after you came back from Texas after the war? A Yes sir.
Q Do you know how many years it has been since the war? A No sir.
Q And this 14 or 15 years that you refer to is the time that Nancy Fairchild has been actually living in Fort Gibson? A Yes sir that is all.

BARGY FAIRCHILD, being first duly sworn, testified as follows:

EXAMINATION BY MR. HART:

Q What is your name? A Bandy Fairchild.
Q How old are you? A Going on 87.
Q Where was you born? A Fox Vine.
Q Where is Fox Vine, in the Cherokee Nation? A Yes sir.
Q Where was you living when the war broke out? A Up there at Grand River.
Q Who was you living with? A When the war come up I was with Charlie Rogers after the old man died.
Q Who do you refer to as the old man? A Old man Joseph Rogers.
Q Who was Charlie Rogers? A His brother.
Q Was you the slave of Joseph Rogers? A Yes sir.
Q Who was your master after Joe Rogers died? A Charlie.
Q Was Charlie Rogers a Cherokee citizen? A Always said he was.
Q Did you leave the Cherokee Nation at any time during the war?
A Went south.
Q When? A Just when the war was coming on.
Q Where did you go? A To Texas.
Q Who did you go with? A We all went together.
Q Who went? A I forget the woman's name, a crowd of us all went together.
Q Do you know anybody by the name of Parks? A Yessir.
Q Or Packs? A Packs, that is it.
Q Who was she? A She was a Cherokee.
Q And did she take charge of a lot of slaves? A Yes sir.
Q And bought all of the Rogers slaves together with you? A All that I knowed of them.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to this line of questioning because it is clearly leading and suggests to the attorney representing the applicant that the applicant should be allowed to tell who went with her and who came back with her from the trip to Texas during the war and her trip back to the Cherokee Nation after the war.

Commission: Objection noted.

Q Who went with you to Texas? A Mrs. Pack, Bart Thompson, a fellow by the name of Henry.
Q Were there a great number? A No sir not a great number at that time there were others that come after that, they didn't take a big crowd at that time.
Q Who was your mother? A Her name was Francis, she got crippled and they sent her somewhere to a doctor. She got throwed by a horse.
Q That was before the war? A Yes sir, I was small then.
Q And you don't know what become of her after that? A No sir.
Q Who was her owner? A She belonged to Joseph Rogers.
Q When did you come back to the Cherokee Nation after the war?
A It was in '65 they went up together in the fall after they were all freed.
Q Where did you go to? A Down here to Sequoyah close to Fort Smith.
Q Where did you go from next? A Then I come up to Gibson in a wagon and everything was so dull we went back.
Q And did you come back again? A Yes sir I come back again.
Q How long have you been living in Fort Gibson? A Often and on now since I married I reckon, it has been 26 or 27 years.

Q How many children have you? A Three living.
Q What are their names? A Ida.
Q How old is Ida? A She is 35 I think in July, and Willie, of course he is dead, and Jennie is the next oldest.
Q What is the crippled boy? A Yes sir, and Fannie is next, she is 25.
Q Davey Fairchild or Johnson? A Johnson, that is Fannie's child.
Q He is still living? A Yes sir.
Q Up there with you? A Yes sir.
Q Have you always lived in the Cherokee Nation since coming back in 1867? A All except when I was at Fort Smith with my boy when he got crippled, I had to take him down there to a doctor, and I lived four miles on this side of the river awhile.

BY MR. WEST:
Q Where is Pea Vine? A In the Cherokee Nation.
Q Whereabouts? A In Saline.
Q Saline District? A Yes sir.
Q Which side of Grand River is it on? A On this side.
Q Is it on the east or west side? A I don't know which, I think on the east.
Q How far from the river? A I reckon 10 or 12 miles.
Q How far from Fort Gibson? A A good ways, I couldn't tell you, it is 20 or 30 miles from Fort Gibson to Tahlequah, 6 miles from there to the Saline Court house.
Q It is the other side of Saline Court house from here? A Yes sir.
Q North? A I guess it is north, I am turned around here.
Q You say it is 10 or 12 miles from Grand River? A Yes sir.
Q How far the other side of Saline Court house? A The best I can guess at it may be 8 or 9 miles the other side of it, may be a little farther.
Q It is in Saline District? A Yes sir.
Q Where did Joe Rogers live? A Grand River.
Q Whereabouts on Grand River? A Close to a saw mill and there was a little store there.
Q Which side of the river was that on, east or west? A East side my recollection is poor.
Q It was near the saw mill? A Yes sir.
Q Is this Pea Vine a town? A Just like a county or district.
Q I thought you said it was Saline District? A I said it was like a district, there was a post office there just went by Pea Vine.
Q How old are you? A Going on 57.
Q About how old were you when the war began? A I guess about 10 or 12 years old.
Q Where was you living? A Living at Grand River.
Q At Joe Rogers? A Joe was dead then.
Q Were you living at this Pea Vine? A On this side of Pea Vine.
Q Where? A I don't know.

BY THE COMMISSION:
Q At the beginning of the war who were you living with? A Charlie Rogers.
Q And that was on the east side of Grand River? A Yes sir.
Q Near what town? A No town near.
Q Near what place would it be now? A I don't know, I aint been up there but once since the war.
Q You spoke of living on Pea Vine, what do you mean by Pea Vine?
A They call it Pea Vine.
Q Did they call it a creek? A A post office.

Q Was there a post office near where you lived near Pea Vine prior to the rebellion? A Yes sir.
Q And that is where Charlie Rogers lived? A That is where he was.
Q How far do you think it was from Tahlequah Bro. Falconiid? A I couldn't tell you, they called it 26 miles to Saline Court house, and that was the other side of there.
Q What direction were you from Tahlequah? A That, that way.
Q East, north or west? A If I was at Tahlequah I could tell you better.
Q What direction is Grand River from Tahlequah? A It is north of there, the river ming crossed of course.

By Mr. Mayhew.
Q Did Charlie Rogers have any family? A He married after I was a good big girl a woman the, called Foreman.
Q What was her first name? A Susan Foreman.
Q Was he living with her when the war came up? A I believe he was.
Q Did he have any other colored people except yourself? A He had a man by the name of Henry.
Q Did he go by the name of Henry Rogers? A Yes sir.
Q Is he alive now in the Cherokee Nation? A No sir he is dead.
Q Have you ever heard of him since the war? A No sir.
Q What kind of a house did this Charlie Rogers live in when the war came up? A I couldn't tell you, my recollection is poor.
Q Did he have a spring or well? A Spring.
Q What direction was the house from the spring? A The house I think this way, and we used to go down a little bluff to the spring.
Q How far were you from Grand River? A A good little peace.
Q How many miles or yards? A I couldn't tell you about that.
Q Was it a short distance or a long distance? A Not so very long distance.
Q Was it one mile or 10 or 20? A It took them a good little time to go there and back.
Q Your best judgment of the distance from Grand River? A May be 10 or 15 miles I don't know.
Q Did Charlie Rogers have any neighbors? A Lots of neighbors but to tell you about them now I can't.
Q Can you give us the name of a single one of them? A No my recollection is quite short from the last two years from this sickness.
Q Did Charlie Rogers live in the prairie? A Kinder prairie close by.
Q Did that prairie have any name? A I don't remember it having any name, it was close to Huckleberrys.
Q You don't know the name of any town near there? A No sir.
Q You never heard of him going anywhere to trade? A Yes sir.
Q Did you go south with your young master during the war? A No sir.
Q Who took you south? A Went along with the crowd, Mrs. Pack and a whole lot of people.
Q You didn't remember even the name of Pack until your attorney suggested it awhile ago, did you? A I ~~think~~ have to have time to get these names.
Q Do you remember a single other person that went south except the name that was suggested to you in direct examination? A I believe some Johnsons went along.
Q Were they colored or Cherokees? A Colored.
Q Were there any who went south Cherokees and not colored? A Yes sir.
Q Who were they? A A young fellow by the name of Brown and Johnson
Q What was Johnson's first name? A Albert or Tom, there were two of them, of the Browns.

Q Where did you start from when you went there? A From Grand River.
Q Did you started from the old Rogers' place? A In the old place, I didn't stay there.
Q Where had Charlie Rogers gone? A Joined the army.
Q Who had he left you with? A One of his Aunts most of the time.
Q What was her name? A Nancy.
Q Nancy what? A Rogers, I was named after her.
Q How old you? A Part of the time.
Q Did you go south with her? A No sir.
Q Who took you away from Nancy Rogers' house? A A wagon drove up there and took a whole lot of us.
Q Don't you know who had charge of you? A Henry was the teamster and got with these Johnsons after we got down there close to the Choctaw Nation.
Q You met the Johnsons close to the line of the Choctaw Nation?
A We went across, yes sir.
Q You went to Texas? A We went to Texas.
Q What town in Texas? A At a town they called Rush.
Q How long did you stay at Rusk, Texas? A Until the war was over.
Q Who did you come back with after the war? A A ~~[illegible]~~ of colored people come along until we got to a place near Shreveport by Red River and they said it was dangerous, and we met some white people by the name of Williams and they were going back to Tennessee.
Q Do you remember any of those colored people who came back with you? A A woman by the name of Julia, but I don't know who she belonged to now.
Q You have never seen her since the war? A Not since we come back I left her in the Choctaw Nation.
Q Do you remember anybody else that come back with you? A 5 or 6 of us come along.
Q I am not asking you about that, who were they? A A woman by the name of Mary.
Q What was her other name? A Mary, I believe she belonged to one of the Johnsons.
Q What became of her? A I left her down there close to the Choctaw Nation.
Q Near what town? A This here little place called Boggy depot.
Q Who else come? A A woman by the name of Hannah.
Q What was her other name? A She belonged with---left her at Boggy and she went back to the Choctaw Nation.
Q Who else come with you? A That is all I can remember, we come with these people I told you about to the Arkansas line and they went on.
Q All of them colored people that you started with went back to Boggy? A Yes sir and Hannah I heard of her up in the Choctaw Nation.
Q Who did you come from Boggy up here with? A Come in a wagon with some people up here to Gibson and everything was dull there and we got with this man and he took some of us back.
Q Back where? A To Fort Smith.
Q What was his name? A Can't tell you that.
Q You never remember hearing that on earth did you? A I could remember it then but not now.
Q He brought you from Boggy and you found it dull at Fort Gibson and went to Fort Smith and you never did know his name, did you?
A I have called his name but don't remember it now, he was named Kendricks.

Q What was his first name? A Don't know that.
Q Whatever became of Hendricks? A I couldn't tell you that.
Q How long did he stay at Fort Gibson? A He got a load and went back.
Q And took you back to Fort Smith? A He took me and some other women.
Q Why did he leave you with your Fort Smith? A Jack Kings awhile, a Cherokee by the name of Tahkeno, first one place then another.
Q Did Jack King have a wife? A Yes sir.
Q What was her name? A As near as I can remember it was Louisa.
Q Are you positive? A Yes sir.
Q Did he have any children? A Yes sir.
Q What were their names? A One was named Lee Ellen.
Q Is Jackson King living? A No sir some of them.
Q Is Lee alive? A I couldn't tell you that.
Q How long did you stay down there? A Until I married.
Q When did you marry? A In the fall of '6[illegible].
Q Who married you? A Couldn't tell you the man that married us, a colored preacher.
Q You never know his name? A No sir.
Q Where did he go after you were married? A Stayed there awhile and come back to Fort Gibson.
Q Upon whose place did you stay there in the Cherokee Nation after you married? A At Drew's and we went to Sand Town and stayed there awhile and then went over to Gibson.
Q Did you go to Sand Town in 186[illegible]? A After I was married.
Q How long after you married, immediately? A Two or three months I guess.
Q Then went to Sand Town? A Yes sir.
Q Whose place did you live on at Sand Town? A His brothers.
Q Whose brothers? A George Drew's.
Q Is George Drew alive? A No sir, died since the payment.
Q What neighbors did you have around Sand Town? A I couldn't tell you, lots of colored people.
Q Any of them that you can mention lived there at the time you lived there and knew you lived there? A Little George.
Q Little George who? A Drew.
Q Any Cherokees living down there? A Yes sir.
Q What were their names? A Rogers, he lived up about town.
Q What town? A Vian.
Q How far was you living from town when you lived there? A Eight miles.
Q Eight miles from Vian? A Yes sir.
Q That was your nearest town to trade at when you first went up there? A Yes sir.
Q Who did you trade with up there at that time at Vian, the merchants name? A I couldn't tell you that merchants name, and I was there two years ago to. He was a Cherokee.
Q It is the same merchant there now that was there when you first moved up there? A I guess so.
Q You saw him? A Yes sir I guess he is there now.
Q In the same house? A Yes sir same old store.
Q And you don't remember his name? A No sir, I have been trying to think of it to write down there.
Q How long did you stay there in the bottom below Vian after you first moved there? A About two years.
Q Then where did you go? A Up to Fort Gibson.
Q Then you come to Fort Gibson about 1868 did you? A I guess so somewhere along about there I don't know the dates.
Q Where did you live at Fort Gibson? A We lived up there on the hill.

Q On the carriage hill? A No sir I remember a place called Katie Harrison place close to Aunt Mandy Foster's place and close to where the Methodist Church is now.
Q You don't remember anybody down in Sand Town bottom who were your neighbors who had farms around there? A No sir.
Q Whose farm did you live on down there? A The old man's.
Q What was his name? A George Dove.
Q You didn't farm any land? A No sir.
Q What did you do there for a living two years? A I stayed with him and the old man worked out.
Q Do you remember anybody he worked for? A He worked at Muskogee most of the time.
Q Worked out by days were did he? A Yes sir, he is a mechanic.
Q And working at Muskogee? A Yes sir, and sometimes come to Fort Smith.
Q That was when you lived in Sand Town bottom? A Yes sir.
Q That was before you moved up to Fort Gibson? A Yes sir.
Q Did you ever hear him say who he worked for at Muskogee at that time? A No sir, I heard him call the name Patterson.
Q Did he work for Patterson? A I heard him talk about Patterson.
Q That was while you lived in Sand Town bottom? A Yes sir.
Q Did you hear him talk about anybody that lived right around you that he worked for? A There was not anything of that kind to do down there close, once in a while he would put up a chimney. In Vian he put up a chimney for one of his nephews.
Q In Vian? A A house burned down.
Q In the town? A No sir.
Q Did he put up any in town? A No sir.
Q Didn't work for anybody in town? A No sir worked here where he could get most money.
Q Come to Muskogee to work? A Yes sir a good deal.
Q While you was living in Sand Town bottom? A Yes sir.
Q When was the first time you ever saw Bart Thompson after the war? A It was down at Sequoyah and didn't see him any more until we come back to Gibson.
Q How long after the war was it when you first saw him in Fort Gibson? A I don't know when I first come up there from Sand Town.
Q Where was it, in Sequoyah where you saw him? A Down close to the Choctaw Nation near Boggy depot.
Q Then you never saw him until after you left Sand Town bottom and come to Fort Gibson, is that the way? A Yes sir.
Q How many children did you have when you first saw him in the Cherokee Nation after the war in Fort Gibson? A One.
Q How old is the oldest one? A Going on 33 is near as I can remember.
Q Did you see Bart Thompson immediately after you come to Fort Gibson? A Yes sir.
Q When will this one be 33? A In July.
Q Last July? A Yes sir July past.
Q How old was she when you come to Fort Gibson? A About a year old.
Q That is the first time you ever saw Bart after the war in the Cherokee Nation? A No sir after I left him at Boggy depot then I didn't see him any more until then.
Q And you saw him the time before that near Boggy depot? A Yes sir
Q Have you been living in Fort Gibson ever since you come back?
A Right near it.
Q Where were these other children born? A The second one was born there close to Fort Gibson, and Willie was born close to Fort Smith.

Q On whose place? A Old Mr. Ball's in a little log house.
Q How long had you been gone from Fort Gibson then? A A good little bit.
Q About how long had you left Fort Gibson? A About a year I reckon.
Q How long had you lived at Fort Gibson before that? A I guess about--when I came first I went back and married and come back again--I reckon it was two years when I come back.
Q After this second child was born how long did you live in the bottom near Mr. Ball's? A We lived down there off and on four years.
Q On whose place? A On a place just where old man died and cleared it himself first, and then we rented a place.
Q From whom? A John McClure's wife? A Caroline McClure.
Q Caroline McClure? A Yes sir.
Q Near what town was that? A Near Fort Smith.
Q How far from Fort Smith? A About three miles.
Q Who were your neighbors there? A Agnes Johnson was one.
Q Have you got any other witnesses here? A Yes sir.
Mr. Hart: Objected to as immaterial and not proper cross-examination.
Commission: Objection noted.

Q What is his name? A Rab Brewer.
Q Where did you ever see him before the war?
Mr. Hart: Objected to as incompetent, immaterial and not cross-examination.
Commission: Objection noted. Witness will answer.

A The first time I saw him was down at Sand Town.
Q Was that while you was living down there? A Yes sir.
Q How long was that before you come up to Fort Gibson? A A good little while.
Q About how many years did you live around Sand Town? A About a year.
Q Was that about a year before you come to Fort Gibson or six months? A I guess so.
Q Was your eldest child born when you first saw Rab Brewer down there? A No sir.
Q Was you living in a house down there when you first saw him?
A Yes sir.
Q What was he doing down there? A Seeing some of his kinsfolks I guess.
Q When? A I don't know.
Q Had you ever seen Rab Brewer before then? A No sir.
Q That is the first time you had ever seen him? A Yes sir.
Q How long until you saw him again? A When I come back to Fort Gibson.
Q How long was that after you first saw him at Sand Town? A About two years I guess, my boy was a baby then.
Q Where was your last child born? A Down there.
Q Down where? A Close to Caroline McClure's.
Q How long have you lived in Fort Gibson this last time? A Nine years.
Q Where did you move from then up there? A From down there.
Q Have you ever drawn any money in the Cherokee Nation? A No sir my name was on the Clifton roll but I couldn't get cousin Ike to identify me.
Q Bart Thompson and Rab Brewer were living right there at Fort Gibson then? A Then.
Q When they were making a roll in 1896? A Yes sir.

Q You saw them around there every day didn't you? A Yes sir.
Q Why didn't you have them to identify you then? A I thought I was all right.
Q Did you try to be enrolled in 1896? A No sir, I went to take my boy to the doctor then. Mr. Pumphrey wanted me to do it and I had to go away to take my boy, he was crippled.
Q Did you try to get money when the Wallace roll was made? A I had my name put in.
Q Never did draw any money anywhere? A No sir, my name was there and I couldn't get my cousin to go up and identify me, he was the only one there to identify me, and the last account it still stayed there and Aunt Nancy Rogers had drawed it.

BY MR. HART:
Q Who was your cousin? A Ike Rogers, his father and old man Rogers were bro here.
Q He was a Cherokee was he? A Yes sir.
Q And you have Cherokee blood in you? A I was always taught that old Joseph Rogers was my father. My oldest boy, Ike had him put on with his family and drew his money, I found that out.
Q When you was living at Sand Town your husband went various places for getting employment, didn't he? A Yes sir.
Q You don't know where he went particularly? A No sir, I heard him talking about this place, he was a mechanic and brick and stone mason.

L. B. BELL, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:
Q What is your name? A L. B. Bell.
Q What is your age? A 66.
Q What is your post office address? A Vinita.
Q You have heard the statements of this witness, the applicant Nancy Fairchild about the residence of Joe Rogers? A Yes sir I have heard them.
Q Do you know of a place on Grand River known as Contention place? A Yes sir, I made Contention originally in 1857. Joe Martin and Johnson Thompson put up a store there and I went there to clerk for them. I stayed with them for nearly a year. Contention is situated on the old Military road that runs from Fort Gibson to Fort Scott about five miles north of where the road crosses Big Cabin Creek. I have lived in and around that country from that time until now with the exception of four or five years that the federals had me run out in Texas. If there was ever a Joe Rogers lived up there, I don't know anything about it.

Mr. Hart: Objected to as incompetent, immaterial, and not responsive to the question.
Commission: Objection noted.

Q I will ask you when Muskogee, the town of Muskogee was first started? A The town of Muskogee in 1870 or '71, about 1872, it might have been the latter part of 1871. This railroad came into the country in 1871 I think. I took the contract for cross ties from the Kansas line to Prior Creek when that road was built.
Q The town then wasn't started here until the latter part of 1871 or 1872? A No sir, Gibson Station was the town first, they had to wait on this on account of the Arkansas bridge. They might possible have got here in 1871.

Q How about Vian on the Valley Road, when was it started? A The Valley Road was built through probably fifteen years ago.
Q It wasn't earlier than 1887? A No sir, I think not.
Q There was no Vian town as a there? A No sir not that I saw travelling along the road, there was a Vian Creek there.
Q But no town earlier than the building of that road? A No sir not that I ever heard of.
Q As a matter of historical knowledge, you know there was no town there prior to that time? A Yes sir I do, we used to run along there in a stage.

BY MR. HARY:
Q Was there ever a meeting place of the Creek Nation at this place before 1871? A I don't know about that.
Q What you mean to say then is when the railroad come through here then there was a beginning of the town of Muskogee? A Yes sir and they went to building.
Q Wasn't there anything here before that? A I don't know whether there was or not, I don't think there was a town, somebody might have been living here.
Q And it might have been going by the name of Muskogee? A It is possible, I never heard of it.
Q You heard of it since the railroad got here? A Yes sir there was a post office by that name.
Q There might have been a town for twenty years before that? A No sir not twenty years, I know that because I stayed here then.
Q There was a village here? A I couldn't tell you exactly about that.
Q I mean groups of several hundreds? A No sir nothing of that kind, this was just a wild cattle country then.
Q Just a store and etc., scattered throughout the country then?
A There were stores scattered throughout the country, and as a general thing the places in the Creek Nation were named more than in the Cherokee Nation.
Q Is Vian on the Creek? A I don't know exactly whether it is on the creek. It is a railroad station now and I guess it took its name from Vian Creek.
Q You don't know whether there was a store there? A I might have said that I didn't know, but I went along there time and again, year after year, and didn't see it right along that big road that I think is in the woods.
Q The store might have been away from where the present town is?
A Yes sir and it likely would have been on the road.
Q You didn't travel the road except for a short------? A I went about five years every year.
Q From what year? A 1871 to 1874 something like that.
Q Where was you going? A I was going to Fort Smith.
Q You don't know what was around, was it settled? A There were people living through the country along the road.
Q Colored people? A I don't recollect any negroes, might have been.
Q How far is Vian from Fort Gibson? A It is 22 miles down to Illinois Station and 8 or 10 miles beyond that.
Q How far from Tahlequah? A I guess 35 or 40 miles.
Q How far from Fort Gibson? A About three stations along there, it is this side of Sallisaw somewhere, probably 40 miles from there. As a matter of fact there is no trading point for these people close a store except going to some of these towns there, might have been stores, I think they had a store near Sallisaw close to John Childers. Mr had a post office there a long time before they had a railroad.

Q Was there any other stores and trading posts? A Yes sir, scattered about every once in a while through the country, there was still another store right up at Sallisaw Creek.
Q How far from this town of Vian? A Not a great ways 6 or 8 miles probably.
Q This town of Vian that you speak of now is the town of Vian that you used to pass through, that is in its present location? A I tell you there was no town there then.
Q You passed through the country where the town now is? A I passed right down the Military road, I don't know whether it is on the road or not.
Q There might have been a trading point by the name of Vian at some other point that you knew nothing about? A Yes sir, and there was a store they called Sallisaw and that got to be a post office.

BY THE COMMISSION:
Q You heard the testimony of Bart Thompson and the applicant, Nancy Fairchild, with reference to the location of Joe Rogers place at the beginning of the war? A Yes sir.
Q From their testimony can you give the Commission an idea as to where this place was, the Pea Vine Place in Saline District?
A The woman fixed it at about 9 or 10 miles up north of the Saline Court house, that would have put it on Saline Creek somewhere th there above the orphan asylum. She would have had to do that to keep it in Saline District. Now Bart Thompson fixes it as some miles up above Contention. Contention as I said before, was a store, trading point.
Q In what District? A That was at that time Delaware District about five miles north or northeast of where the Military road crosses Big Cabin Creek, and it is situated right on Military road. One of them said it was east and the other said it was west of the river.
Q Were you acquainted with both the locality named by Bart Thompson, and that named by Nancy Fairchild as her location at the beginning of the rebellion? A I was pretty well acquainted with that country there where Bart Thompson began. I was there in 1857 and part of 1858 at that Contention. We did our trading there in cattle and were pretty well acquainted there.
Q I will ask you if you knew a Joe Rogers in there sometime prior to the rebellion? A Not right in there, there was a Joe Rogers lived about 40 or 50 miles north of there.
Q Did you know a Charlie Rogers living somewhere in that locality named by the applicant at the beginning of the rebellion? A No sir, the Charlie Rogers this man talks about lived over here at Fort Gibson. His mother was named Hattie Rogers, but he married that Susan Foreman, I knew about that.
Q Where did he live at the beginning of the rebellion? A His mother lived right there about Fort Gibson.
Q Do you know whether Charlie Rogers lived there or not? A He was there part of the time, I don't know where he made his home.
Q Was he a married man at the beginning of the war? A I think he was about 53 or 54 but I think he must have took Sue about the time the war was going on.
Q You don't know anything about who he owned as slaves? A No sir, not one way or the other, his wife had some slaves.
Q Is Charlie Rogers living now? A I think he is dead, I guess Bart told the truth about where he died. I wasn't acquainted with the fact but he went out of the state. I never heard of such a place as Pea Vine they talked about, there used to be a school house over near Arkansas.

BY MR. CAMPBELL:
Q About how far from Tahlequah is that place? A About 40 or 50 miles I guess.

BY MR. HART:
Q Was Joe Vine in the locality where Joe Rogers lived? A No sir it was a hundred miles away, it was in the northern part of the Cherokee Nation, probably 60 miles this side of Fort Scott, he died some years before the war.
Q Do you know whether Charlie Rogers and Joe Rogers were bro thers or not? A I never heard any such thing as that, I knew a whole lot of his brothers and sisters. He has got a cousin named Joe Rogers up at Bowata. He has got a sister in Vinita, the old Chief, Cross Joe Rogers.
Q Did he have a brother named Charlie? A Not that I know of, he had one named Henry.
Q Did you know Charlie Rogers who enlisted in the Federal army?
A Yes sir about such a man as I am he enlisted in Fort Gibson there. Hart says that he saw Charlie Rogers up at old Fort Wayne, that is where Jim Allen Thompson, the owner of Hart, lived.

BY THE COMMISSION:
Q The Charlie Rogers that enlisted in the Federal army is the Charlie Rogers who married Sue Freeman, the party the applicant talked about? A Yes sir that is about all the one he knew, there is another one that lives on the Verdigris River, who is the father of the present Chief of the Cherokee Nation.

This case was here continued to November 1s, 1904, by agreement.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 27 day of December, 1904.

Charles H. Lawrence,
Notary Public.

9K 326

FILED
DEC 9 - 1904
COMMISSION TO FIVE TRIBES

Cherokee Freedmen B 126

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Nancy Fairchild and her children, as Cherokee Freedmen.

It appears that on October 12, 1904, the applicant, her attorney and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 14th day of November, 1904.

On said date, there being no appearance for applicant, case was continued by consent, and on the 23rd day of November, 1904, the following proceedings were had:

APPEARANCES:

Applicant appears in person and by her attorney, James Hart.
Cherokee Nation by W. W. Hastings.

JAMES M. KEYS being duly sworn, testifies as follows:

BY W. W. HASTINGS:

Q What is your name? A James M. Keys.
Q What is your post office? A Pryor Creek.
Q What is your age? A Sixty-one years.
Q Mr. Keys, do you know this applicant, Nancy Fairchild?
A Yes sir I have seen her.
Q When do you first recollect of having seen her? A In the year 1896.
Q You will state under what circumstances you saw her in that year? A I was one of the attorneys for the Cherokee nation during the Kern-Clifton enrollment, and she presented herself as a claimant before that Commission, the Kern-Clifton Commission; she claimed to be the slave of one Joe Rogers, and her witness testified that that Joe Rogers was the father of Mary Wafford.

BY MR. HART: We object to that statement as to what her witness testified, as incompetent, immaterial and irrelevant.
BY COMMISSION: Objection noted.

BY MR. HASTINGS:

Q That was the testimony that she introduced? A Yes,sir.
Q Did you know that Joe Rogers? A That Joe Rogers was dead before my recollection, but I know of him.
Q Where did he formerly live? A He lived on Fourteen Mile Creek, Tahlequah District, near Melvin.
Q Did that Joe Rogers have a daughter by the name of Mary Wafford? A Yes sir.
Q Is Mary Wafford alive? A No, I understand she is dead.
Q Your information is that she is dead? A Yes,sir.

Q How far did you live from Mary Wafford, or from where Joe Rogers lived prior to his death, before the war. A About four or five miles, to my best judgement.
Q Were you familiar with the slaves that belonged to the estate of Joe Rogers? A Yes,sir
Q Did he have a slave, as you understand a slave that belonged to his estate, before the war, by the name of Nancy?
A Yes, he had a slave that belonged to his estate, named Nancy, but she was not this Nancy. She was a black woman.
Q Was she known by any other name? A They called her "Long-tooth Nan", her front teeth protruded.
Q Are you positive that this appli ant, Nancy Fairchild, is not that Nancy? A I know that she is not.
Q You say that Joe Rogers died before you can recollect? A Yes, sir.
Q And you are sixty-one years of age? A Yes,sir.
Q Well then, Joe Rogers was not living when the war came up?
A No sir, not that Joe Rogers.
Q Was this the Joe Rogers that she claimed and introduced proof in 1896 that she belonged to when the war came up? A Yes,sir
Q You lived in about four miles of where Joe Rogers' family lived? A Yessir, four or five miles .
Q Do you know where Peavine is in the Cherokee Nation?
A Yes,sir.
Q Where is that? Q It is about fifty miles east of this place. It is a little stream that empties into the Illinois River near the Arkansas line, in Goingsnake District.
Q D you know where what is known as Old Contention Place is on Grand River? A Yes,sir.
Q How far is that from where this man Joe Rogers lived prior to the war? A About the same distance, about fifty mi es.
Q What direction? A North-east.
Q What children did Joe Rogers have ? A He had two children, Mary Wafford and Martha Canard..
Q What became of Martha? A She is dead.
Q And so is Mary Wafford now? A Yes,sir.
Q Was Martha Canard dead when the war came up? A No sir.
Q And you testified that you heard recently that Mary was dead?
A Yes,sir.Q And those were the only two children that Joe Rogers had? A All that I know of or ever heard of.
Q Well, now, from your information, about what year must this Joe Rogers have died? A Well, I couldn't say, but I was born in 1843 and he was dead before I remember anything about him.

Q Do you think he was dead as much as ten years before the war?
A Yes,sir.
Q Do you know where he is burried? A Yes,sir.
Q Where? A He is burried on Fourteen Mile Creek.
Q How far from his old home? A Near by.
Q What was done with this Nancy Fairchild in 1896?
BY MR. HART: Objected to as incompetent, and not the best evidence.
BY COMMISSION : Objection noted.

A The one rejected by the Dawes-Clifton Commission. I could give to explain that here. We kept a record of the testimony. I was one of the attorneys, and whenever there was a case rejected we were directed to star it, that is, to make a little star on our record opposite that name.

Q You didn't have any stenographer in 1896? A No sir, we did not have any stenographer.

Q You kept a pencil memorandum? A Yes sir, a synopsis of the statements made by the witnesses.

Q And when the Commission rejected them on their own testimony, did you put in any testimony? A No sir; they directed us to star that case.

Q They used the word "star" as meaning rejected? A Yes, that was what we understood. There were a great many people comin before the Commission with cases that there was nothing in, spurious cases, and they directed us to mark those cases with a star and I suppose they did too, they kept a record.

BY JAMES HART:

Q Where is that record? A I have it up stairs.

Q Can you bring it down? A I will do so. (Produces record)

Q Mr. Keys, there is nothing in this record that you have kept that refers to the testimony of Nancy Fairchild herself that would in anyway indicate that her master was the Joe Rogers referred to by you? A She testified that she belonged to Joe Rogers, and her principal witness testified that her master was the father of Mary Wafford.

MR. HART: I move to strike out the latter part of this testimony , which refers to what the principal witness testified, for the reason that this answer is incompetent, immaterial and irresponsive to the question.

Q She did not testify t that fact herself, did she Mr. Keys?

A That he was the same Joe Rogers? No sir, she did not.

Q Now, if he was a Joe Rogers living fifty miles away from your place, on Peavine, then he was not the same Joe Rogers that died twelve or fifteen years before the war, if the mater of Nancy Fairchild was the Joe Rogers living on Peavine, more than fifty miles away from Pryor Creek, then he was not the same Joe Rogers you have referred to in your testimony ?

A No sir.

Q Did the Joe Rogers who died before you can recollect, have any brothers and sisters? A Yes sir.

Q How many? A He had two that I know of.

Q Who were they? A Will Rogers and Annie Arons.

Q Did he have a brother named Charley Rogers? A Not that I ever heard of.

Q If the Joe Rogers who was the master of Nancy had a brother named Charley Rogers who died over at Fort Gibson during or after the war, then he was not the Joe Rogers to whom you refer?

A No sir.

Q You are an old citizen in the Cherokee Nation? A Yes sir.

Q Did you know a Charley Rogers who run a ferry over at Fort Gibson? A I knew a Charley Rogers who lived over at Fort Gibson; I do not know that he ever run a ferry. He married Susan Foreman.

Q If this Charley Rogers who married Susan Foreman, was a brother of Joe Rogers, the master of Nancy Fairchild, then it was an entirely different Joe Rogers from the one you have referred to?

MR. MARTIN: Objected to by the Cherokee Nation, because it is not shown by this witness that the Charley Rogers referred to had a brother by the name of Joe Rogers.
BY COMMISSION: Objection noted.

Q Now the Joe Rogers about whom you have been testifying was only known to you by reputation? A Yes sir.
Q He died before you can recollect? A Yes sir.
Q You never knew a Joe Rogers over about Peavine? A No sir.
Q And you never knew the members of the family to which Charley Rogers belonged? A This Charley Rogers over at Fort Gibson? I kn w his mother and sisters.
Q They went to Texas during the war? A They went to the Choctaw Nation.
Q They went south? A Yes.

BY MR. MARTIN:
Q Did this Charley Rogers about whom you have been testifying have a brother by the name of Joe? A No sir.
Q Did you know him well? A Yes sir.
Q And he had no brother named Joe? A Not that I ever knew or heard of.
Q Were you acquainted up about Peavine? A Not before the war.
Q Did you ever know or hear of a Joe Rogers living on Peavine or in that vicinity. A No sir, I never did.
Q You kept a pencil memoranda of the testimony introduced by and on behalf of Nancy Fairchild before the Kerns-Clifton Commission in '96? A Yes,sir.
Q And Nancy Fairchild, at that time, introduced testimony in her behalf. A Yes,sir.
Q And you stated that the witness she introduced identified her master as the Joe Rogers that you knew of and who died a number of years before the war? A Yes,sir.

BY MR. HART:

Q Now, this principal witness that you refer to also swore that he saw her and her master in 1861? A I think that was it.
Q And if that was true he could not refer to the same Joe Rogers that had been dead fifteen or twenty years?
A I think he was mistaken.
Q Where is Coody's Bluff? A About seventy-five miles northwest of here.
Q Is that close to your place? A No, sir.
Q How far from Pryor Creek? A Fifty miles.
Q This principal witness to whom you have referred, also swore that the Joe Rogers to whom he referred lived at Coody's Bluff, did he not? A He stated that he lived at Coody's Bluff, he the witness, did.
Q Do you know whether or not she lived in that vicinity prior to the war ? A I never saw her until 1896 .
Q I mean from the testimony? This Nancy Fairchild or her mother?
A I understood that the witness said that he lived at Coody 's Bluff.
Q Is that north of Pryor Creek ? A Northwest, that is.
Q When did you first get acquainted with Charley Rogers?
A Prior to the war, sometime in the 50's, don't remember the year.

Q Where? A At Fort Gibson, saw him at my house.
Q Don't you know he didn't move to Fort Gibson until after the war? A The Charley Rogers I know was raised at Fort Gibson, the one who married Susan Foreman.
Q When did he marry Susan Foreman? A I don't remember just the year. About the commencement of the war, I think, may have been a little before.
Q Do you remember when he died? A No sir, I don't. He went south during the war.
Q Don't you know that he is buried over at Fort Gibson?
A I don't know that, don't know where he is buried. He was raised over there and lived there until he went south during the war.
Q Was it not your information that he died over there?
A My information is that he died there.
Q Where did you live prior to the war? A I lived on Fourteen Mile Creek, near Melvin, I.T.
Q How far is that from Pryor Creek? A From Pryor Creek? thirty- or thirty-five miles.
Q When did you live at Pryor Creek? A I lived there about two years.
Q What two years? A The two years last past.
Q You are living there now? A Yes.
Q Before that where did you live? A I was born on Fourteen Mile Creek and lived there to manhood.
Q How far is that from Fort Gibson? A About nine miles.
Q And you know Joe Rogers who lived there?
A He died before I remember, I knew his family well.
Q You didnot know a Joe Rogers on Peavine? A No sir.
Q Who had a slave that was badly crippled, the mother of this applicant? A No sir, I did n't know him.
Q You were not acquainted before the war broke out except in
y your immediate vicinity, like most young men? A No sir.

BY MR. HASTINGS:
Q After Nancy Fairchild testified and introduced her witnesses what did the Commission do with her case?

MR HART: We object to that as not the best evidence.
COMMISSION: Objection noted.

A Why, she was rejected and her case was starred.
Q Right there? A Yes,sir.
Q And the Cherokee Nation did not put in any testimony?
A No sir.

BY MR. HART:

QQ You were acting as attorney for the Cherokee Nation at that time? A Yes,sir.
Q You are interested for the Cherokee Nation now? A Yes sir

Q Are one of their attorneys?
A No sir, but here, I am acting as marshall now.

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Lucy M. Bowman, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings had in this case, and that the above and foregoing is a full true and correct transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 5th day of December, 1904.

Charles H. Lawyer
Notary Public.

Memorandum Case.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 28, 1906.

In the matter of the application for the enrollment of Ida Fairchild as a Cherokee Freedman.

Nancy Fairchild et al., mother of this applicant, is No. C.F.R. 326.

Applicant represented by Mr. Travens.

Nancy Fairchild, being duly sworn, testified as follows:

COMMISSION

Q What is your name? A. Nancy Fairchild
Q How old are you? A. About 55
Q Do you know Ida Fairchild? A. Yes, sir.
Q What relation is she to you? A. She is my daughter
Q Did you appear before the Commission about three years ago and make application for yourself? A. Yes sir
Q Did you make application for Fannie and John and for your grandson, Admiral D. Johnson? A. Yes sir
Q Where did you appear at that time? A. At Muskogee
Q You never mentioned Ida's name at that time? A. I did, I gave all the childrens names and ages at that time.

(Comes now the representatives of the Cherokee Nation and for the purpose of basing an objection against the recieving of this application, respectfully asks the Commission to insert in the record whether or not the records of the Commission show that an application was at any time made for the applicant, Ida Dean (nee Fairchild).

COMMISSION. The applicant in this case claims that application was made for her enrollment prior to the closing of the rolls .

MR. HASTINGS--But this proceeding is had for the sole purpose of determining whether an application has been made for her enrollment and for no other purpose, and I just want the record to show whether or not the records of the Commission show that an application has ever been made for her.)

COMMISSION-- The records of the Commission show that Nancy Fairchild, the mother of this applicant, appeared before the Commission , at Muskogee, Indian Territory , on May 10, 1902 and that she then made application for the enrollment of her daughter, Fannie, her son, John , and her grandson, Admiral D. Johnson, and they are listed on C.F.R. 326. In the testim-

of Nancy Fairchild taken on that date, May 10, 1902, no mention is made of Ida Dean (nee Fairchild), nor do the records of the Commission show that she has been listed for enrollment either as Ida Fairchild or Ida Dean, of the Dawes, nor does an examination of the records show that an application was made for her prior to this day.)

MR. HASTINGS:

Q The one is Ida Dean at the present time? A. When I had been married.
Q No, at the present time? A. She will be 34 in May.

(Comes now the representative of the Cherokee Nation and respectfully objects to the taking of any more testimony in support of this application for the reason that the records conclusively show that no application has heretofore been made for this applicant, and that Section 30 of the act of Congress, commonly known as the Cherokee Agreement, approved July 1, 1902, provides that "The application of no person whomsoever for enrollment shall be received after the thirty-first day of October, 1902."

SECOND--- The record of the application of Nancy Fairchild made before the Commission on May 10, 1902, shows that no mention whatever was made of the name of the applicant. And furthermore, it is well known that under the rules of the Commission she could not possibly have made application for the applicant at that time for the testimony now discloses the fact that she was some 32 years of age on May 10, 1902, and she would have had to appear in person to have made application, and therefore it could not have been made by the witness on the stand.)

COMMISSION to Mr. Cravens, attorney for applicant:----Do you claim that there was an application made for the applicant, Ida Fairchild, by her mother, Nancy Fairchild, on May 10, 1902, at the time she applied for the enrollment of herself and children and grandchild, mentioned on card F.R. 326? A. I do.
Q And that the only application or attempted application made for her was made by Nancy Fairchild on May 10, 1902? A. I can not say as to that. This is my first appearance in the case.

Q It is important to know that? A. Well, why don't you ask her?
Q You are running her case.

MR. HASTINGS:

Q Were you present on May 10, 1902? A. I was not
Q All you know then is what this woman, Nancy Fairchild, tess tells you? A. Yes sir.

WITNESS EXCUSED.

Ida Dean, being duly sworn, testified as follows:

MR. CRAVENS:

Q What is your name? A. Ida Dean.
Q Is that your right name? A. Yes sir.

Q How long has it been that? A. About three years. I married after the Court left Sevata. The Court left Sevata in July, 1901

Q Were you ever sworn and examined before the Dawes Commission? A. No sir. I didn't know, for I thought my mother had looked after this matter.
Q But you, yourself, were not sworn and examined? A. No sir. I would have but I thought she had looked after it.
Q You were never sworn and examined before the Commission to make application? A. No, sir, never was.

MR. HASTINGS:

Q What was the exact date of your marriage? I don't know the exact date.
Q Think about it now and tell me? A. It was in October
Q Of what year? A. It was in the fall after the last roll was made at Sevata. (October, 1901)

Q You were married May 10, 1902? A. Yes sir.

COMMISSION: Q When your mother appeared before the Commission your name was Dean? A. Yes sir.

WITNESS EXCUSED.

Nancy Fairchild recalled.

MR. CRAVENS:

Q Who was present when you made the application? A. I brought old man Doog Webber, and they would n't let him come in, and they called me in and asked me about the children and I answered them They asked me how many children I had and their ages.
Q You say they wouldn't let Doog Webber come in? A. No sir
Q Who wouldn't? A. They said Mr. Hastings left word not to let him in court. They called me in and asked me about it and then they found it on the Kerns-Clifton book.
Q Who did you tell them was the eldest? A. Ida, and they asked me her age and I told them. Then I said John and then Fannie.
Q When you gave in Ida's name and age what did the Commission advise you? A. They didn't advise me anything. They just asked me them questions, and said that was all they wanted with me.

Q That was before the Dawes Commission? A. Yes sir, but I had them names put on up at Hayden. There was a payment there. Then I fooled around and couldn't get my witnesses together any more.
Q Can you recall any of the persons who were present at the time you made this application who you can get as witnesses now? A. I left Doog outside when I went in, and he was out there when I went back. There were three men in the room.
Q Is that all? A. Yes sir, besides me.
Q Are you familiar with the practice of the Commission with reference to the enrollment of grown persons? A. No sir, I didn't know anything about it. I just had their names and ages put down.

MR. HASTINGS:

Q The reason why Doug Webber was not allowed to come before the Commission was because he had been convicted of larceny, and had been whipped for stealing? A. Yes sir.
Q He is now dead? A. Yes sir.
Q That was the reason he was not allowed to testify? A. Yes sir
Q I wasn't present, myself on that date? A. No sir, you had gone home.
Q Mrs. Fairchild, you lived in Fort Gibson, within one hundred yards of the enrolling office while the Commission was there in the month of April, 1901? A. Yes sir.
Q You did not make any application then? A. I couldn't get any witnesses then.
Q The Commission was back there in September of 1901, and remained a month, and you lived within one hundred yards of the building , and you never made any application then? A. I couldn't get my witnesses together.
Q You didn't even get your witnesses together on May 10, 1902 only old man Doug Webber, who couldn't testify? A. No sir
Q Were you at Nowata when the Commission was there? A. Yes sir.
Q You never made any application there? A. I was waiting for old man Foreman, one of my witnesses, and he was sick, and died.
Q He didn't die until after that, though, did he? A. No sir.
Q Were you at Chelsea when the Commission was there? A. Yes sir
Q Did you make application there? A. No sir, we telegramed for old man Foreman and he couldn't come.
Q You were in Fort Gibson two months and didn't make application A. No sir.
Q Was your daughter, Ida Dean there? A. Yes sir.
Q She never made application? A. No sir.
Q The principal thing the people talked about was enrolling wasn't it? A. Yes sir.
Q You say Ida was married on May 10, 1902? A. She married that year, in the fall, after the Court left Nowata.
Q Do you know what year? A. I don't sir. I don't know the dates of the year.
Q Has she been married three years? A. Just about

WITNESS EXCUSED

Ida Dean recalled.

MR. CRAVENS:

Q Are you familiar with the practice of the Commission with reference to making application for the enrollment of adults? A. No sir.
Q Did you leave the matter of your application for enrollment to your mother? A Yes, sir, I thought that my mother had done it. If I hadn't thought that she did I would have done it myself.
Q Did you understand that your mother had made such application for you? A. Yes, sir, I thought she had.
Q Why did you think so? A. Because she told me.
Q Who told you? A. My mother.

MR. HASTINGS:

Q You never made any application when the Commission was at Fort Gibson, in 1901? A. No sir.

Q And you never made any at Bowata or Choloco? A. No sir.
Q Nor when the Commission was at Fort Gibson in September of 1902? A. No sir.
Q You were at all of these places? A. Yes sir

Q You were married and about 18 years of age at that time? A. A. Yes sir.

COMMISSION---- You will be notified by mail, of the action of the Commission in this case, and Mr. Gravens will be notified. Ordered.

WITNESS EXCUSED.

CASE CLOSED.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 20th day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) EULA JEANES BRANSON

Subscribed and sworn to before me this the 24th day of March, 1905.

(Signed) MYRON WHITE
Notary Public

(S E A L)

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy, and that same is a full true and complete copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 3 " day of August, 1905

Myron White
Notary Public

FILED
MAY 6 - 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman D 324

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., MAY 4, 1906.

--1--

In the matter of the application for the enrollment of Admiral D. G. Johnson, as a Cherokee Freedman.

APPEARANCES:

Applicant appears by Attorney O'Hare, of Hart & O'Hare, Muskogee, Indian Territory.

Cherokee Nation by Jas. S. Davenport, of Bell, Hastings & Davenport.

:-------:

FANNIE FAIRCHILD, being first duly sworn, testifies as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A. Fannie Fairchild.
Q How old are you? A. I am 21.
Q Are you married? A. Yes sir, been married.
Q What is your husband's name? A. Harris.
Q But your name now is Fannie Fairchild? A. Yes sir.
Q Is this applicant, Admiral D.G. Johnson, your child? A. Yes sir, he is my child.
Q Who is the father of that child? A. Seymour Johnson.
Q Is he a Cherokee Freedman? A. Yes sir.
Q Were you ever married to him? A. No sir.
Q When was this child born? A. September 25, 1899.
Q Did you ever live with Seymour Johnson as his wife? A. No sir
Q Did Seymour Johnson acknowledge this child as his child? A. Yes sir.
Q In what way did he acknowledge it? A. By supporting it.
Q Is Seymour Johnson married? A. Yes sir, he is married now.
Q Was he married at the time this child was born? A. No sir, about two years afterward.
Q Where were you living when this child was born? A. Fort Gibson
Q Is Seymour Johnson living now? A. Yes sir.

In the matter of the application for the enrollment of this child, Admiral D.G. Johnson, it will be necessary for you to furnish the Commission with proper proof of birth of said child

SEYMOUR JOHNSON being first duly sworn, testifies as follows:

BY COMMISSION:

Q What is your name? A. Seymour Johnson.
Q Are you a Cherokee Freedman? A. Yes sir
Q Do you know this woman here? A. Yes sir.
Q What is her name? A. Fannie Fairchild.
Q How old did you say you were? A. 35 last New Years.

[illegible]

Q Were you ever married to her? A. No sir.

[illegible]

Q How long have you known Fannie Fairchild? A. I have known her 15 or 16 years, or longer.
Q Are you the father of a child that was born to Fannie Fairchild in [illegible]?

DAVENPORT:
I object to that as being incompetent and immaterial.

Q In 1899, six years ago, did you know Fannie Fairchild? A. Yes sir.
Q Where were you living at that time? A. Five or six years ago--- five or six years ago I were living in Van Buren, Arkansas, lived there somewhere in the neighborhood of a year.
Q Do you remember where you were living in 1899? A. Let's see, ---Well, I was either living in Van Buren or Fort Gibson.
Q Do you remember where you were when this child Admiral Dewey G Johnson was born? A. Yes sir, when he was born I was in Van Buren.
Q Did you live in Fort Gibson before that? A. Yes sir.
Q Did you know Fannie Fairchild prior to that time? A. Yes sir.
Q Now, what were the facts as to you and she living together at that time? A. No sir, we wern't living together.

DAVENPORT:
I object to that, witness has stated that they were not married and fails to show that they were living together as husband and wife.

Q Well, were you and Fannie Fairchild together a great deal when you lived in Fort Gibson? A. Yes sir.
Q And prior to the time you went to Van Buren? A. Yes sir, we was together a good deal.
Q You both lived in Fort Gibson? A. Yes sir.
Q Who was she living with? A. With her mother.
Q Who were you living with? A. With my mother.
Q What are the facts as to you being at her mother's house a good deal? A. Yes, I was there a good deal.
Q As a fact, you stayed there? A. No, I never stayed there.
Q Well what is the fact as to you keeping company with Fannie? A. Yes sir, we kept company together.
Q And what is the fact as to you recognizing the child born to her? A. Yes sir, I did.
Q What are the facts as to you contributing to the support of this child. A. I did, yes sir.
Q And you acknowledge him as your child? A. Yes sir.
Q You say you are a citizen of the Cherokee Nation? A. Yes sir.

BY MR. DAVENPORT:

Q You are a married man now? A. Yes sir.
Q Where is your home now? A. I live here in Muskogee,
Q How long have you been living in Muskogee? A. three or four years.

Q How long since you returned from Van Buren? A. It has been--- I don't know----three or four years, something like that, I suppose.
Q Were you ever married to Fannie Fairchild? A. No sir.
Q Did you ever live with her as your wife? A. No sir.
Q Did you ever represent to your neighbors and the people in your community where you lived, that she was your wife?A. No sir.
Q Your recognition of this child has sprung up since this question of allotments came up hasn't it? A. Oh, no sir.
Q You did not recognize it down at Van Buren? A. Oh, yes, I did.
Q You had never seen it, had you? A. I came up there and seen it
Q Now, Mr. Johnson, were there other men in Fort Gibson at that time, or were you the only man up there? A. Why, of course there was other men there.
Q They could visit Fannie's mother's house, the same as you could, couldn't they? A. Why,--yes, sir.
Q And could visit Fannie the same as you did? A. Why----I suppose so.
Q And other men did visit her at the same time you did? A. No, sir, not while I went with her.
Q Do you want to swear that no other man ever went with her for nine months prior to the birth of this child--you swear that? A. I couldn't swear no other man ever went there of course. I didn't see them.
Q You say you are a citizen of the Cherokee Nation? A. Yes sir.
Q Are you on a straight card? A. Oh yes, sir.

BY MR. O'HARE:

Q Were you married at the time this child was born?

DAVENPORT:
I object to that as being incompetent.

The witness is identified on Cherokee Freedman card 848 and also at No. 2041 on the final roll.

COMMISSION:

Q How much did you contribute towards the support of this child? A. I could not tell the exact amount,; it seemed to me at the time like a great deal.
Q Fifty Dollars? A. More than that, I presume it was more than that.

MR. DAVENPORT:

Q State how much? A. I couldn't tell you sir, I didn't keep any account.
Q How long since you contributed to its support? A. It has been quite a while now.
Q Six or seven years now? A. I couldn't tell the last time, but not near that long.
Q Have you supported this child at all since you were married? A. Since I married---let me see--- I disremember whether I give it anything since or not.

C. T. A. [illegible]

Commission.

Q. Did you ever tell your wife you had this child by another woman? A. Yes sir.
Q. She knows about this child? A. Yes sir.
Q. Did you tell her yourself? A. She found it out and asked me and I told her about it.

The attorneys will be allowed until June 1, 1906, to file briefs in this case.

Lucy M. Bowman being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings had in the above entitled cause on the first above mentioned date, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 5th day of May, 1906.

Notary Public.

Cherokee Freedmen # 134

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of Admiral D. G. Johnson as a Cherokee Freedman.

D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That, on May 16, 1904, Nancy Fairchild appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her two minor children, John and Fannie Fairchild, and her minor grandchild, Admiral D. G. Johnson, as Cherokee Freedmen. The applications for the enrollment of Nancy Fairchild, John Fairchild and Fannie Fairchild, being differently classified, are not included in this decision. Additional proceedings in the matter of the application for the enrollment of Admiral D. G. Johnson were had at Muskogee, Indian Territory, on May 4, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Admiral D. G. Johnson is the illegitimate child of Fannie Fairchild and Seymour Johnson, whose name appears as No. 1041 upon the list prepared by this Commission of persons entitled to enrollment as Cherokee Freedmen, and approved by the Secretary of the Interior on January 14, 1905, and has resided continuously in the Cherokee Nation from the date of his birth up to and including September 1, 1902.

IT IS THEREFORE, THE OPINION OF THIS COMMISSION: That Admiral D. G. Johnson should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman

(SIGNED) T. B. Needles.
Commissioner

(SIGNED) C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
JUN 28 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy Fairchild as a Cherokee Freedman.

D E C I S I O N.

IT APPEARS FROM THE RECORD HEREIN: That on May 10, 1902, Nancy Fairchild appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of herself, her minor children, Fannie and John Fairchild, and her minor grandchild, Admiral D. G. Johnson, as Cherokee freedmen. Further proceedings were had in the matter of said application, at Muskogee, Indian Territory, on September 15, and 19, and November 23, 1904. The application made for the enrollment of Admiral D.G. Johnson having been heretofore passed upon, is not included in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Nancy Fairchild, contends that she was the slave of a Cherokee citizen at the commencement of the rebellion, and that she was taken out of the Cherokee Nation during said rebellion, but returned thereto prior to February 11, 1867.

In support of her contention, the principal applicant testified: That she is fifty-six years of age, was born on Peavine (creek) in the Cherokee Nation, and was the slave of one Joseph Rogers; that during the rebellion she was taken to the state of Texas, returning to Fort Gibson in 1866, but finding it so dull there that she remained only a few days and then went to Fort Smith, Arkansas, where she married , in the fall of said year; that several months later she removed to the Cherokee Nation, and lived close to Sandtown and Vian, where they remained two years; that during said two years her husband, who was a mechanic, followed his trade at the towns of Vian and Muskogee, and that at the expiration of the two years above mentioned, she removed to Fort Gibson, where she has since continuously resided.

JENNY MARTIN, who, the records of the Commission show is not an applicant for citizenship, in behalf of the applicants testified: That the principal applicant was the slave of one Joe Rogers, a Cherokee Indian, and that he saw the applicant in the Cherokee Nation after the war commenced, that the said Joe Rogers died about two years after the commencement of the war, and that he next saw the principal applicant at Fort Gibson, in the fall of 1865, and that she remained there working at the garrison, until the next spring, but he does not know where her residence has been since that time.

BART THOMPSON, in behalf of the applicants, testified: That he knew Joseph Rogers well, but did not know the principal applicant until the war came up, that the said Joseph Rogers died sometime before the war commenced; that his brother, Charley Rogers took the principal applicant south and that he next saw her at Fort Gibson in 1865. He later testified: That he did not return from Texas after the war until 1866, and that the principal applicant had lived at one place and another since her return.

The principal applicant and her witnesses agree as to the name of her owner, but differ as to the location of his residence and the date of his death, and their testimony clearly shows that they know nothing of time and dates.

L. B. BELL AND JAMES M. KEYS, in behalf of the Cherokee Nation, testified: That no such man as Joseph Rogers lived in or near the vicinity in which the principal applicant and her witnesses testify her master lived; that principal applicant before the Kern-Clifton Commission claimed to have been the slave of one Joseph Rogers, who, it was shown, died many years before the commencement of the rebellion, that the town of Muskogee was not started prior to 1871, and that the town of Vian was built subsequent to 1865.

It is further shown that the applicants, Fannie and John Fairchild, are the children of the said Nancy Fairchild, were born since 1866, and possess no rights to enrollment as Cherokee freedmen other than as descendants of their said mother. None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

In view of the foregoing it is considered by the Commission that the applicants herein have failed to establish by satisfactory evidence their rights to enrollment as Cherokee freedmen, and consequently are within the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 544-1904), William Rector, (I. T.D. 1468-1904), Minnie Duncan et al., (I. T.D. 1470-1904), Samantha Chambers (I. T. D. 2296-1904), Ed Williams, (I. T.D. 4230-1904), and Moses Ross, (I . T. D. 6056-1904).

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That

The application made for the enrollment of Henry Fairchild, Fannie Fairchild and John Fairchild, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 10, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

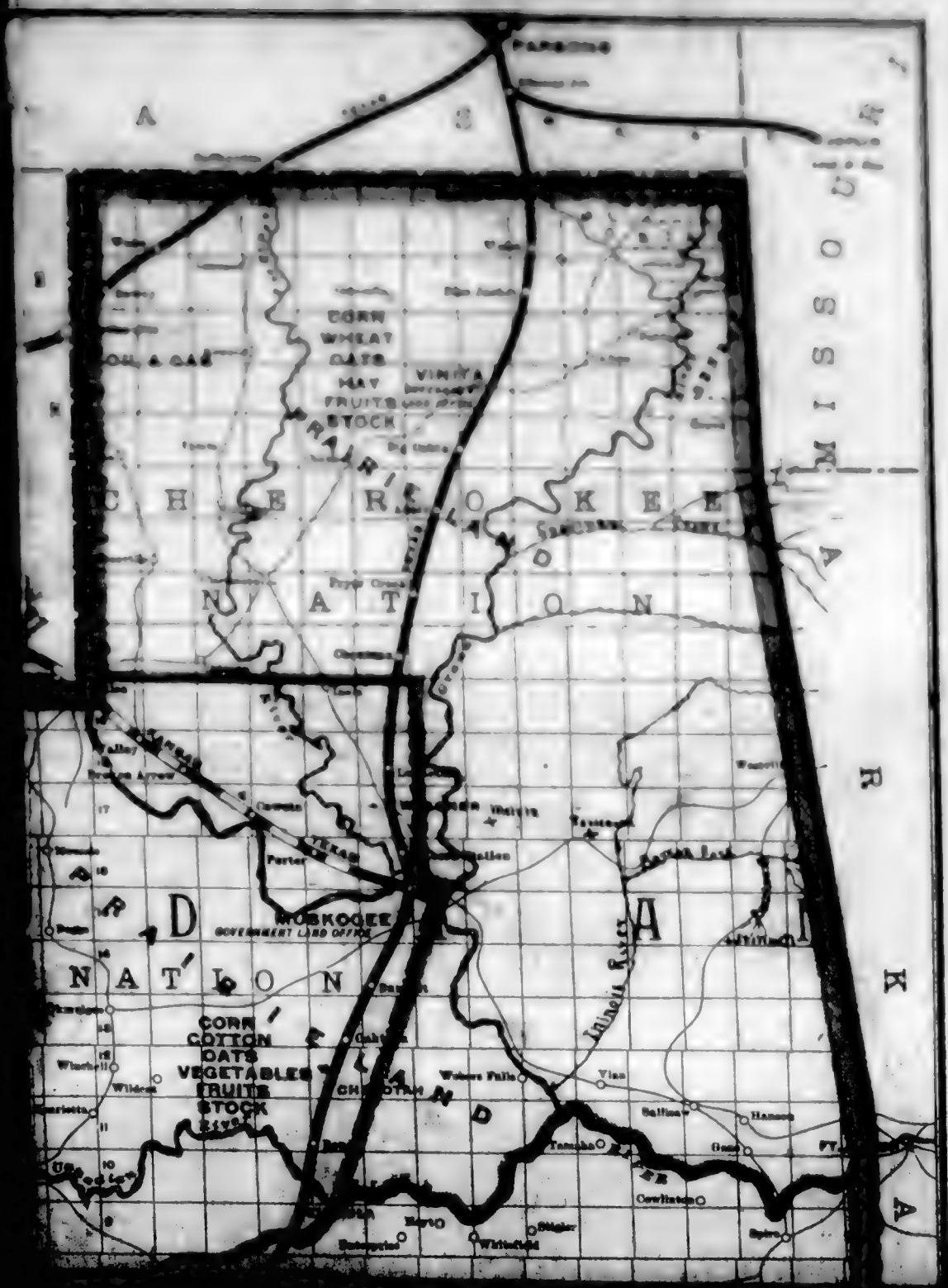
Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 1906

COUNTRY!


CORN
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Webers Falls
Vian
Braggs
Hanson
Tamaha
Gore
Cowlington
Sallisaw
Marble
Whitefield
Stigler
Spiro

Cherokee Freedmen S-886.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NANCY FAIRCHILD ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Mary A O'Hare, by Mr. O'Hare.
For Cherokee Nation, W. W. Hastings, L. T. Bell, and J. L. Davenport.

It appears from the records of this office that this case was remanded by the Department for further hearing upon the points indicated in Departmental letter of September 29, 1905 (I.T.D.9784, 12096-1905), and that on October 11, 1905, the principal applicant, her attorneys, and the Attorneys for the Cherokee Nation were duly notified that they would be permitted to appear before this office on October 26, 1906, and introduce testimony as above indicated, at which time the following proceedings were had.

LOONEY R. GOURD, being first duly sworn, testified as follows:

BY MR. O'HARE:

Q What is your name? A Looney R. Gourd.
Q In common called Rattlingourd? A Yes sir.
Q Where do you live? A I live north of Tahlequah about 12 miles.
Q In the Cherokee Nation? A Yes sir.
Q You are a native Cherokee, are you? A Yes sir.
Q How old are you? A I am about 72.
Q How long have you lived in the Cherokee Nation, that is whendid you first come there? A I come here from the old country a child.
Q About what time, do you know? A Along about '39.
Q And were you living in the Cherokee Nation up to 1856? A Not all together, I was out a little while.
Q I mean was this your home? A Yes sir.
Q And what is the fact as to your being in the Cherokee Nation most of the time up to 1856? A I have farmed, done most everything, stock driving, buying stock.
Q What was your occupation about 1856 or 1855? A I was stock driving.
Q And you travelled over the country a good deal during that time, did you? A Yes sir.
Q Were you acquainted with a man in the Cherokee Nation named Joe Rogers? A Yes sir.
Q Where did he live? A On Grand River right up about 15 miles the other side of the Orphan Asylum, he lived on Grand River and Spavinaw on this side of him.
Q What is the fact as to whether or not he was a slave holder? A Yes sir, he had a great many slaves and well off. Considered well off at the time.
Q This date about you knew him was about 1856? A '53 when I was with them.

Q Did he have any brothers that you know of? A Well he had one they called Charley Rogers.
Q Do you know what became of Charley Rogers after about the war time? A No sir, I don't, I wasn't here but I understood he went in the war since I come back, in 1856 I left this country.
Q Did you frequently visit at Joe Rogers? A Yes sir, stayed there many a time, just right on the road at the time, I lived in Low Main Prairie with Jeff Parks, Johnson Thompson below here and Mr. Thompson, I was employed in gathering stock and Rogers was between us like.
Q And you had occasion to stop at his house? A Yes sir.
Q And you say you are acquainted also with his brother Charley Rogers? A Yes sir.
Q Do you recall at this time the names of any family slaves whom Joe Rogers had? A On my stopping there I saw a big large yellow woman they called Frances that tended about the house. See a herder come in more apt to be out among such folks.
Q Do you recall they had a family girl, a young girl named Nancy? A She might have been there, I couldn't place here.
Q Did that locality over there where Joe Rogers lived, did it have any particular name? A No sir, nothing but range.
Q I don't want to suggest the answer to him but it seems rather hard to make him understand. Do you remember any such locality as Peavine? A It was the range and the woods. This time of the year the stock all come there to eat peavine in the woods.
Q Was there such a locality over there? A Yes sir.
Q What is the fact as to whether there was a church or anything of that kind in the vicinity right at that place? A Just the open woods, lot of Cherokees lived among us and what they called Peavine range.
Q I understand, but there was a locality that went by the name of Peavine? A Yes sir.
Q And was that where Joe Rogers lived? A Yes sir. But there is a place in Goingsnake District, a place way up here called Peavine Church, called that to this day.
Q What river was this locality near? A Grand River was along here and Spavinaw here.
Q It was near Grand River, was it? A Yes sir, on the top of the hill by a big spring.
Q You say you don't know what became of Charley Rogers? A No sir, I left this country in 1856, he was then living on the creek and I understand since I come back he died.

BY MR. HASTINGS:
Q On which side of Grand River did Joe Rogers live? A On the east side.
Q And how far from Grand River? A About a mile.
Q And how far from the mouth of Spavinaw? A About 6 or 8 miles.
Q And how far from where Johnson Thompson's place was? A About 6 or 7 miles, I lived-----
Q What was Joe Rogers' wife's name? A I don't know, I don't recollect her name.
Q Did he have any children? A Well he had one son that I recollect of, they called John, I think that was his name.
Q Did he have any other children? A Not as I know of.
Q He had no girls? A No sir, I don't think there was any girls.
Q You never saw him after 1853? A Not after 1856 I didn't see him.
Q You saw him as late as 1856? A Yes sir.

Q You never see him after 1856? A No sir, when I come back he was dead.
Q You don't know when he died? A No sir.
Q You don't know whether he died before the war or not? A No sir, I don't.
Q You don't remember him having any slaves by the name of Nancy? A No sir, I don't. Well I didn't know the names of them but they were all there, there was slaves there, old Joe Rogers was considered a man well of, he used to come to Parks.
Q You don't know of any slave by the name of Nancy? A No sir.
Q Now isn't it a matter of fact that that a reference to Peavine refers to Peavine Creek in the Goingsnake District? A Yes sir.
Q And is not there a creek up there now that flows into Barren Fork Creek called Peavine? A Yes sir.
Q That creek is known as Peavine Creek? A Yes sir.
Q And was known as that before the war? A That is known as Peavine Creek. The Indians called it Peavine. That is just the way these hills was on Spavinaw.
Q Then they called all these bottom land up and down where this peavine grew Peavine, did they? A Yes sir.
Q That was up and down all the bottoms? A Yes sir.
Q It didn't specially refer to this place the mouth of Spavinaw, but any place? A Yes sir, any place where peavine grew.
Q That was up and down Grand River and Arkansas River wherever it ran through the country? A Yes sir, just give it that name, now on the other side they called it green brier.
Q You never did know Joe Rogers' wife? A No sir.
Q Was Joe Roger's brother Charley the father of the present Chief, W. C. Rogers? A That is what they say.
Q They were brothers? A Yes sir.
Q Present Chief then is a nephew of this Joe Rogers? A Yes sir, I was familiar with him. They all got together here in Fort Gibson at the payment.
Q But this was the same Joe Rogers to whom you refer? A Yes sir.
Q This Joe was a brother of Charles, Will's father? A Yes sir, that is what I understand.
Q What kind of a house did Joe Rogers live in? A He had a pretty good farm house, a great big house.
Q And about a mile from Grand River? A Yes sir, right on that divide between Grand River and Spavinaw.
Q Did he have a farm there? A Yes sir, a small farm, raised stock mostly. He had a hold lot of stock, I gathered cattle there in '53.
Q Do you remember any neighbors that lived near him on the same side of the river? A Yes sir, a good many of them.
Q I mean right near him? A There was Thompson, Bob Daniels.
Q How far did he live from Bob Daniels? A About 7 miles.
Q Was anybody else on the same side of the river? A Bob was on the same side.
Q Did he live above or below Bob Daniels? A Above.
Q How far did he live from where Watt West lives? A Right above there.
Q About how far? A 5 or 6 miles, it is right up that road on the ba of Grand River.
Q Right on the bank of Grand River? A No he lived on top of the mountain.
Q What kind of a house did he live in? A Some log house. He had a long house, looked like a pretty good -------
Q You think he had one boy named John? A I recall one.
Q Was that boy John living when you were there last? A I don't know where he was.

Q Was he living in 1886? A Yes sir.
Q About what age was he? A I don't know, he must have been [illegible] along there somewhere.
Q Have you ever heard of him since the war? A Yes sir.
Q You left here in 1886? A Yes sir.
Q Where did you go? A To California.
Q When did you return to the Cherokee Nation? A 1907.
Q And you were gone 21 years? A Yes sir.

BY MR. O'HARE:
Q Now Mr. Rattlingourd you, in answer to Mr. Mastings, you have stated that you understood this Charley Rogers was the father of the present Chief Rogers? A Yes sir.
Q You know nothing only what you have been told? A Yes sir.
Q Personally you know nothing about it? A Yes sir.
Q You say Mr. Rattlingourd in answer to Mr. Mastings, you say that any particular country where this Peavine grew what by the name of Peavine Creek or Peavine valley? A That is what they called that range right back of it, Peavine range.
Q We understand that the place where Joe Rogers was, went by that name, Peavin? A Yes sir, I expect right by it.

BY MR. MASTINGS:
Q Now Mr. Rattlingourd I would like for you to definitely located the residence of that man Joe Rogers. Now what direction do you say it was from the Johnson Thompson place? A It was almost due east.
Q And about 6 miles? A Yes sir, 6 or 7 miles along there somewhere, I don't know exactly the distance.
Q How far from Drowning Creek? A Lets see, well I don't know that, I didn't know Drowning Creek.
Q How far did you live from there? A At that time I lived on Cow Skin Prairie about 14 to 20 miles, must be along there somewheres.
Q Now who lived the nearest to this Joe Rogers on the east side of Grand River? A Well there was Lewis Hilderbrand, Dave Hilderbrand below him Dr. Thompson.
Q Now how far below him was Dr. Thompson? A About 7 or 8 miles.
Q There was nobody that lived nearer than 7 or 8 miles? A Gouldn't lived over on that hill. He was right on top of the hill.
Q You don't know whether he was living when the war came up or not? A No sir, I wasn't here.

W I T N E S S E X C U S E D.

NANCY FAIRCHILD, being first duly sworn, testified as follows:

BY MR. O'HARE:
Q You are the applicant in this case, are you Mrs. Fairchild? A Yes sir.
Q Where do you live now? A Fort Gibson.
Q Do you know when you were born? A I couldn't tell you when I was born, I don't know nothing about no dates.
Q Were you born a slave? A I was born a slave, my mother was a slave.
Q Do you know your mother's name? A Frances.
Q Do you know whose slave she was? A Joseph Rogers, they always called him Joe.
Q Where were you born, that is what nation, what place? A Cherokee Nation, close to Peavine Creek.

Q Do you know what locality? A It was Pearline Creek, I couldn't tell you, I was told that I was born there on what they called close to Pearline Creek.
Q The earliest you can remember, where were you, as far back as you can recollect, who were you with? A When the old man died I was a good big girl.
Q Which old man do you mean? A Old man Rogers.
Q As far back as you can remember you were with Joe Rogers?
A Yes sir.

BY MR. HAWKINS:
Q How old are you? A Somewhere in 50, I don't know my exact age.
Q How old were you when the war came up? A I don't know that there, I was a small girl.
Q Were you as much as 10 years old? A I guess I must have been.
Q Is that your best judgment? A Best judgment I know of.
Q Was Joe Rogers living when the war came up? A No sir.
Q How long had he been dead? A I couldn't tell you, right smart little while.
Q What is your best judgment? A I don't know.
Q Had he been dead 10 years? A I couldn't tell you.
Q Had he been dead 5 years? A I couldn't tellyou just exactly, I don't know the dates.
Q I want to know your best judgment of how long he died before the war? A I don't know, I haven't got any judgment to tell you about that.
Q Did he die 3 years before the war? A I couldn't tell you how long before the war?
Q Did he die 13 years before the war? A I couldn't tell you that, no use to tell you anything I don't know.
Q Did he die one year before the war? A I couldn't tell you that.
Q Did he die six months before the war? A I don't know that.
Q What is your best judgment about howlong that he died before the war? A Well now some of my witnesses stated and my cousin give it to me it was two or three years before the war.
Q Is that your judgment? A That is the best I know.
Q Do you remember him? A Yes sir.
Q What kind of a looking man was he? A Tolable tall, gray whiskers.
Q Did he wear beard all over his face of just mustache? A As well as I remember beard pretty much like Mr. Keys.
Q And he had beard on his chin? A Yes sir.
Q Was he an old man? A Getting along pretty old, must have been.
Q Was that your judgment? A He always drank.
Q Did he drink a great deal? A He drank whiskey all the time.
Q What was his wife's name? A I couldn't tell you her name now.
Q Was his wife alive when Joe Rogers died? A Yes sir, as well as I can remember.
Q Do you know her name? A I did at that time, but I don't now.
Q You don't know your mistress' name? A Couldn't remember it back, there are lots of people now I couldn't call back their names.
Q Did they have some children? A Yes sir.
Q What were their names? A One named John.
Q Did you know that before when you were on the stand? A Yes sir.
Q And you swore before that you, that they had a child named John?
A John Rogers, yes sir.

Q What became of John? A He went off to be a doctor they say and I haven't heard of him since.
Q He was a slave when the war came up? A Yes sir.
Q Did they have any other children? A Nothing just little ones like myself.
Q And they didn't have any other Thereese children? A None that I remember of.
Q What became of Joe Rogers' widow after he died? A I couldn't tell you.
Q What became of Joe Rogers' widow? A I couldn't tell you what became of her, they sent me to Texas.
Q How long before the war did they send you to Texas? A It was going on.
Q How long before Joe Rogers' death did they send you to Texas?
A He was done dead.
Q You are certain of that? A Yes sir.
Q You remember when he died? A Yes sir.
Q You have a distinct recollection of it? A I guess about that time the war was going on, cause they were shooting most everywhere.
Q When he died? A Somewhere they heard guns and they all got ready to go to Texas.
Q They heard guns when Joe Rogers died? A I don't know nothing about that.
Q Where was Joe Rogers buried? A Upon the Creek there somewhere.
Q How far from the house? A I couldn't tell you that, I couldn't judge from the space from the house.
Q You were there when he was buried? A Yes sir.
Q Was it right near the house? A They always had graveyards pretty close to the house.
Q Well did they this time? A Well not very close there.
Q What direction from the house? A I couldn't tell you that.
Q North, east, south, or west? A As well as I can remember kinder south. of the house.
Q And about how far? A I don't know now.
Q 100 yards? A I never measured it.
Q 200 yards? A (Witness refused to answer).
Q Quarter of a mile? A I didn't know whta a quarter was.
Q Was it 10 miles? A I don't know what a quarter is now.
Q You don't know whether it was a quarter of a mile or 10 miles?
A I don't know.
Q And you knew Joe Rogers and you knew his wife? But you never did learn your mistress's name? A I knowed it but I couldn't call it now.
Q Was John Rogers married when the war come up? A I don't know nothing about that, I was a child, children wasn't supposed to know them days.
Q He was your youngmaster? A Yessir.
Q What other slaves did Joe Rogers have besides yourself? A I don't know, my mother and several others.
Q Your mother's name was Frances? A Yes sir.
Q What was your father's name? A Joseph Rogers was my father, that is all I remember that he told me.
Q Did your mother Frances have any other children? A No sir.
Q No other children at all? A No sir.
Q Never heardof her having any more? A No sir.
Q Was she alive when the war come up? A Yes sir.
Q Did Joe Rogers have any other slaves? A Yes sir.
Q What were their names? A I don't know, as near as I can remember he had one named Loolisa.
Q Did she have any children? A Yes sir.
Q What were their names? A I couldn't remember their names.

Q Do you know any of their names? A I couldn't tell you.
Q You played with them and don't know any of their names? A Didn't play much with them.
Q Did he have any besides Louisa? A Yes sir, he had other women.
Q What were their names? A I don't remember their names.
Q Do you remember any of their names? A I don't remember any but Louisa. When I would play with them they would fight me and I would go off into the woods by myself..
Q Did they have any colored men? A Yes sir.
Q What were their names? A One named Henry.
Q Was he grown? A Yes sir.
Q Did they have any other colored men? A Yes sir, had others but I don't know, I couldn't name them all.
Q Do you know any other name besides Henry? A No sir.
Q Was Henry a young man when the war came up? A He was grown that is all I know.
Q Just about grown? A Yes sir, he was grown.
Q Do you know any of Joe Rogers neighbors who lived about him up there? A I don't remember, Thompsons was there, some Martins.
Q You heard Looney M. Gourd testify about the Thompson? A No sir, don,t nobody have to tell me about what I can tell.
Q How who took you to Texas? A There was a big crowd of them went.
Q Did your mother go with you? A No sir.
Q Your mother didn't go with you? A No sir.
Q What became of your mother? A She was sent off, she got throwed by a horse and got crippled and they sent her off.
Q How long before the war? A It wasn't long because I was small, didn't knew enought about it to cry about it.
Q That was before Joe Rogers death? A Yes sir.
Q About how long? A I couldn't tell you.
Q Two or three years? A I couldn't tell you.
Q You know it was before Joe Rogers' death was it? A Yes sir.
Q Where was your mother sent to? A They sent her off some where to a doctor, that is all I know.
Q You never saw her any more? A No sir.
Q To what State was she sent to? A I don't know that.
Q You never heard them say? A Never made any inquiries.
Q You never saw her any more? A No sir, I wasn,t old enough to even cry after her.
Q Were you old enough to remember your mother? A Yes sir, I could remember they said it was my mother.
Q About how old wereyou when your mother was sent off? A I couldn't tell you that.
Q Who didyou go south to Texas with? A I was tryihg to think of the folks name that I went with.
Q Did Joe Rogers' wife go? A No sir, they sent the darkies.
Q Did Joe Rogers' son John go? A No sir.
Q Didany of his relatives go? A I don't know whether those folks were any relatives or not we went with.
Q Who took you? A I went with a crowd . I forget the folks name.
Q I am trying to find out who you went to Texas with? A I can,t remember now.
Q You can't mention a single person with whom you went to Texas can you? A No sir.
Q Where did you go to Texas? A Down in Texas a good peace.
Q Near what town? A It was near a little town they called Rusk.
Q Rusk, Texas? A Yes sir.
Q Was that the nameof the town? A Yes sir, nameof a little town.

Q Who did you live with down there in Texas? A I lived with first one after I got there, nursed around with people.
Q Did you live with Rogers' people? A I wasn't with Rogers' people down there. They just hired me out to be a nurse first one thing and then another.
Q You claim you were about 10 years old when you went down there, I want to know how you went down there and who took you there? A I am trying to think of the folks name now I tell you.
Q Did they live up about Rogers place before the war? A Yes sir, I can't call their names.
Q You can't tell that at all? A No sir.
Q You never have been able to give us any information on that point have you? A Well I did once, I did.
Q Now tell us with whom you lived after you went down there? A In Texas.
Q Yes? A Different ones.
Q Now give me the first one? A I nursed for a man named Givens there awhile.
Q Have you ever seen Givens in this country? A No sir.
Q Who turned you over to Givens? A They hired me out.
Q Who were they? A I can't think of them.
Q You can't think of them. Did the people that took you down there continue to live in that country? A They went farther on than I did.
Q You don't remember any of them at all that went along with you?
A It seems to me it was an Adair, a woman named Mrs. Adair.
Q You don't remember her first name? A Betsy Adair I think it was.
Q You think it was Betsy? A Yes sir.
Q Did she have a husband? A Yessir.
Q What was herhusband's name? A He was gone to the war, I never did see him, I think it was John, I don't remember names, it seems to me like it was.
Q Had you ever seen Betsy Adair before the war? A Yessir, I reckon I did or they wouldn't sent me with them.
Q Did she live up in your section of the country? A Lived up there by Tahlequah and she was acquainted with me people.
Q What became of Mrs. Rogers? A I don't know, I never inquired for her after I got back.
Q Have you ever been back there? A I have been no farther than the Saline Court House.
Q Did you go to Texas in a wagon? A Yes sir, when we didn't walk.
Q How far did this Betsy Adair live from where you lived before the war? A I don't remember, that, of course I couldn't remember them things then.
Q Where did you come to after the war? A Come down in Sequoyah. I come to Gibson first, that is when they were having such a hard time, and I went back down to Fort Smith and went to work.
Q Now who did you come back from Texas with? A A crowd of people named Williams, a crowd that was coming back together.
Q Were they white people or colored people? A They claimed to be Indians.
Q Did you know them down in Texas? A Yes sir, I got acquainted with them there.
Q How did you happen to come back with them? A When the crowd got ready to come back I wanted to come.
Q Any railroads down in Texas? A No sir.
Q Near what place did you start from? A Close to that Rusk town.
Q About how large a place was Rusk? A Just a few little houses there.
Q With whom were you living last when you left Texas? A I was nursing with this family.

Q What were their names? A Sivens.
Q Worse for them all during the war? A Yes sir, nearly all the time, I was out there two years.
Q You came back with this family of Williams, anybody else came back with you? A A good many colored people.
Q Name some of the colored people that came back as you did? A Had a woman named Sallie.
Q Sallie what? A Williams, she belonged to this man, and another young like woman, mary I believe her name was.
Q Was she a colored woman? A She was part Indian.
Q Have you ever seen her since the war? A I haven't seen either of them since we left. We left them up in the Choctaw Nation.
Q Who else came on with you up to the Cherokee Nation? A I couldn't tell you.
Q Do you remember any single military person? A Bart Thompson was along about that time.
Q Did he come as you did? A Yes sir.
Q Did he come clean to Fort Gibson with you? A No sir, he didn't come on to Gibson.
Q Where did he stop? A I don't know where he stopped. Down close to the Choctaw Nation, they called it Boggy Depot.
Q Did anybody else come up with you? A No sir.
Q Did anybody ever come up to the Cherokee Nation with you? A Yes sir, two or three women did come up to Fort Gibson.
Q Give me the name of one that come to Fort Gibson with you? A One named Sallie and a woman by the name of Charlette.
Q What was Charlette's other name? A I don't know, she was a Choctaw and she went back there.
Q You never heard her other name? A No sir.
Q There is nobody you can mention in this whole country that came up with you? A No sir, just her because we came up--
Q From down there close to Fort Smith together? A Yes sir.
Q Just you two women? A No sir, a man with us.
Q What was his name? A I don't know.
Q Where did you get with that man? A In Fort Smith.
Q How did you come up to Fort Smith? A We just come in a wagon and come up there with him.
Q To Fort Smith? A To Fort Gibson and when we got there things were dull and we got him to take us back.
Q How did you come to Fort Smith? A Come through by Choctaw Nation, walked most of the time.
Q Who did you come up to Fort Smith with? A That is about all and another woman, she is dead now.
Q What was her name? A A woman named Hannah.
Q Just you and Hannah come to Fort Smith together? A There was a crowd of us come together.
Q Who brought you up there? A We walked from the Cattle Gap down to Fort Smith, we walked.
Q From what place did you walk? A They called it some Gap in the Choctaw Nation? Idon't know what it was, we come from there.
Q How many of you walked from there to Fort Smith? A There was three or four of us.
Q You can't mention a single one of their names? A No sir, and there was one that had a baby.
Q You don't know their names? A No sir, I can't remember their names now.
Q What became of thos people? A I don't know.
Q Who didyou live with at Fort Smith? A With different ones.
Q Who did you live with there first at Fort Smith? A We always lived in a little house, me and another woman.

Q Who was that woman with whom you lived in the house? A That was one named Hannah but I don't know her other name.
Q You didn't know her other name? A No sir, we got a little house together.
Q Where was that house? A It was close to the river.
Q How far from the present Missouri Pacific Depot? A I don't know where it is.
Q How far from any depot? A It was down close to the river in a little log hut.
Q Did this Hannah have any children? A No sir.
Q You don't know what became of her? A No sir, after I quit working there I married.
Q Who owned that log house? A I don,t know that either.
Q You never did hear did you? A Because when you come in there then you could get a little house to live in for nothing.
Q You didn't have to pay any rent? A No sir.
Q How long didyou stay in Fort Smith, how many years? A I don't know, before I was married.
Q How long before you were married? A I reckon a couple of years.
Q Where wereyou married? A In Sequoyah on this side of the river.
Q Who married you? A A man passing through there named Duncan.
Q You didn't marry then in Fort Smith, Arkansas? A No sir, I didn't
Q You didn't bring any record of your marriage? A No sir.
Q What was your husband'sname you married at that time? A John Fairchild.
Q Where did you locate? A Close to Aaron Johnson and lived down there this side of Dr. Bell's.
Q Close to Dr. Bell's? A This side of Dr. Bell.
Q Who were living wight there near when you located there? A Dr. Bell and Payne.
Q Dr. Bell lived there? A Yes sir.
Q And S. H. Payne? A Yes sir, some Whitmires.
Q How far did you locate from Dr. Bell? A About a half mile I reckon.
Q How far did you locate from Payne? A A mile or two, Payne was this way and Bell this way.
Q On whose place first? A The first place I stopped on was Johnson.
Q What johnson? A Aaron Johnson.
Q How long did you stop on Aaron's place? A About a year.
Q Then whose place did you go to? A We stayed one year just between the two lakes there, stayed a year there, lived in a tent.
Q Then where did you go? A Back over to Fort Smith and went to work again, that was after I was married.
Q You were married when you were living on the Aaron Johnson place?
A Yes sir.
Q Did you know Frank Morgan down there? A I got acquainted with him after I come up here to Fort Gibson and went back again.
Q After you lived near the lake you went back to Fort Smith and went to work? A Yes sir.
Q How long did you stay in Fort Smith? A It was long until we come to Fort Gibson.
Q About how long? A About a year.
Q What part of the twon of Fort Gibson did you locate in? A Down t there on the hill close to old man Foster's.
Q How long was that before you made application to the Kern-Clifton roll in 1896? A Way yonder.
Q Did you live continuously in Fort Gibson? A I did until that child of mine got crippled, I took him ti Fort Smith to the doctors and stayed there until after the Cherokee payment but I lived all of the time on this side after I married him down there.

Q When you moved to Fort Gibson in whose house did you move?
A Aunt Kate Daniels.
Q When you moved to Fort Gibson the last time where did you move from? A From sandtown.
Q How long did you live in Sandtown? A Two years.
Q Have you got any witnesses in the world that knows you were the slave of a Cherokee citizen? A Jerry martin.
Q Is he here and does he know it? A Well yes sir, did once.
Q I say have you got any witnesses now to show that you were a slave of a Cherokee citizen before the war? A Only what has testified, that is all.
Q You have got no others? A Bart Thompson, and old man Foreman was the only ones, he died, was sick when he came to Roweta.
Q You ever know a person that came back here after the war? A No sir, nobody no further than Bart andhe left us at Muggy Depot.
Q How long after the war before you saw him in the Cherokee Nation?
A I don't know, Ida was small then.
Q Where was she born? A Down below somewhere close to the river.
Q How old is she? A 33 or 34, her last birth day.
Q She was born in that tent? A Yes sir, all born in tents but this here crippled boy.
Q How many children did you have? A Five living.
Q I believe you testified you lived in that tent one year, you didn't have them all born that year? A No sir, but I lived in that tent off and on six years.
Q How old is your youngest child you had born? A She is 21.
Q How did you live at that same place from the time your oldest child, Ida, was born to the time your youngest was born? A No sir, I did not, we lived five years in one place.
Q They were all born in that same tent? A They were all born in a tent.
Q Never did own any place down there? A Had a place but never built any house on it.
Q Did you ever cultivate any land down there? A Yes sir, a little piece.
Q On whose place? A Down there between the lakes.
Q Did you live on anybody's farm? A Only one year when I lived down there, I rented from Caroline McClure the last year I tried to farm.
Q What did you do all the rest of that time? A I went over to Fort Smith and worked part of my time.
Q How afar did you live from Fort Smith? A Four miles.
Q You lived in that tent and went backwards and forwards and worked over at Fort Smith? A Yes sir.

BY MR. O'HARE:
Q You say you were married on this side of the river near Fort Smith? A Yes sir
Q And as I understand you there was quite a crowd went from up in the Cherokee Nation at the beginning of the war, quite a crowd was sent to Texas? A Yes sir.
Q And as soon as the war was over they came back, part of them did? A Yes sir.
Q Those that wanted to come back did? A Yes sir.
Q The people who owned the slaves didn't? A They went farther out.
Q They didn't attempt to bring you slaves back? A Not a bit and there was lots of them never did come back I reckon.
Q When you were married there at Fort Smith it was your present husband, John Fairchild? A Yes sir.
Q You say a minister named Duncan? A Yes sir, he was passing there.
Q Then you were married in the Indian Territory? A Yes sir.
Q What is the fact as to their being any license? A Wasn't any license.

Q What is the fact as to being any record of marriages to the boys at that time? A None, he just stood us up and married us.
Q What is the fact as to his making any record? A Never made any.
Q This Thomas you say he was a minister? A Yes sir.
Q White man or colored man? A A darkey.

BY MR. HASTINGS:
Q Did you ever hear of him afterwards? A He come up to Gibson and preached awhile and then died at Cumalges.

BY MR O'HARE:
Q Was there anybody that you know now who was present at the time you were married? A Old man Macintosh.
Q The same time you were married? A Yes sir.

BY MR. HASTINGS:
Q At whose place? A In a log house at Aaron Johnson.

ON BEHALF OF THE COMMISSIONER:
Q Did the preacher who married you give you any certificate?
A No sir, never give us nothing.
Q Is Mr. sir who you testify saw you married, here? A No sir, it was old man Macintosh.
Q Is he here today? A Yes sir.
Q Your owner Joe Rogers, did he have any brothers? A Charley.
Q Do you know what became of Charley? A Said he went to the war and died.
Q How far were you born from Grand River? A It was close between the creek and the river, place where they called Peavine Creek.
Q How far was that from where you were born, from Grand River?
A I couldn't tell you that, I don't remember nothing.
Q Was it quite a distance of just a few miles? A I don't know.
Q This Peavine creek run into Grand River? A Yes sir, I think it did.
Q Do you know how far it is from Joe Rogers house to Grand River to where Peavine runs into it? A I never did know the distance.
Q Were you ever over to Grand River from this place? A Yes sir, I aint been back there since the war.
Q Before you went south? A Why of course before I went south, but I haven't been back there since the war.
Q Do you think it was as much as 10 or 15 miles from where Joe Rogers lived to the Grand River? A I couldn't tell you that.
Q Do you know whether Peavine runs into Grand River? A Peavine is up on a hill that is what they call Peavine
Q Then Peavine Creek runs into Grand River? A Yes sir.
Q You have no idea then how far it was from Peavine where you lived to Grand River? A No sir.

BY MR. HASTINGS:
Q There was a creek then there they called Peavine? A Yes sir.
Q was that a large stream or small stream? A It wasn't very large only when it was up.
Q Did it flow near Mr. Rogers' house? A Not right close because he was up on a hille
Q There was a creek after all by that name? A Yes sir, a creek because I waded in it many a time.
Q Do you know what direction that creek flowed? A As near as I can remember the Creek from the house was down that way (pointing).
Q Was that north, euth, east or west? A You might call it north I reckon.
Q Did it flow north? A No sir, I couldn't tell you.

Q Then it flowed north from Joe Rogers to where, it emptied into Grand River? A I couldn't tell, if I was at the old place I could tell.
Q Don't you know whether it was north or south? A No sir.
Q On which side of Grand River did Joe Rogers live? A On the north side, that side this side from here, from Fort Gibson.
Q On the opposite side from Gibson? A Yes sir.
Q And how far from Grand River and how far north of Grand River did he live? A I couldn't tell you how many miles.
Q Do you think it was 6 miles or 10 miles? A I couldn't tell you the miles then because you know I didn,t know how far any place was.
Q Was it as much as 6 or 10 miles? A No sir.

BY MR. CRAVENS:
Q Do you have any idea of directions or courses, north, south, east or west? A I do now, but I didn't them days.

BY MR. REEL:
Q You had sense enough to know where the sun rises? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Were you married in Fort Smith? A No sir, I wasn't married in Fort Smith.
Q Married across the river? A Yes sir.

BY MR. CRAVENS:
Q That is in the Cherokee Nation? A Yes sir.

W I T N E S S E X C U S E D.

TOBE MACINTOSH, being first duly sworn, testified as follows:

BY MR. O'HARE:
Q What is your name? A Tobe Macintosh.
Q What Nation do you belong? A Creek Nation.
Q Creek citizen are you? A Yes sir.
Q How old are you? A I don't know my age correct, somewhere along about 67 or 68.
Q How long have you lived in the Creek Nation? A Lived here all my life.
Q Are you acquainted with Nancy Fairchild? A Yes sir.
Q Where did she live when you first knew her? A Fort Gibson.
Q With the relation to the war time, before or after the war?
A After the war.
Q Are you acquainted with her husband, John Fairchild? A Yes sir.
Q Where did you live in the fall of 1866? A Lived in this country.
Q How did you see Mrs. Fairchild and her husband that fall.
Q Where did you see them at? A Down about 5 miles from Fort Gibson, Fort Smith.
Q Now just go ahead and tell what you saw down there? A Well I was going across the river andit was late and I couldn't get across with my horse and I come up there that night and the boys said there was a wedding here tonight and I said will I come in good time, I will see it. Her and this fellow married that night by a minister named Duncan.
Q Did you know her before that time? A Yes sir, I was acquainted with her.
Q Did you know him? A Yes sir, I knowed both of them before that

time, she was cooking there at that place.
Q What is the fact as to you having known them ever since that time, ever since the time you saw them married? A Yes sir, ever since that time I seen them, I knowed them.

BY MR. HARRISON:
Q You were going down there to court were you? A Yes sir.
Q What case were you going down there in? A I was an Indian Interpreter.
Q In whose case? A I don't know, I was subpoened to interpret that all I can tell you.
Q Was that a Federal Court in Fort Smith? A Yes sir.
Q Judge Parker's court? A Yes sir, that is the only judge I knowed there at that time.
Q Judge Isaac Parker? A Yes sir.
Q You were an interpreter in his court a long time? A Yes sir.
Q And were on your way to Fort Smith to interpret in his court when you saw this marriage? A Yes sir.
Q Now you are certain about that? A yes sir.
Q That was the court you were going to? A Yes sir.
Q You are certain about that? A Yes sir.
Q Judge Parker trued some cases over in Fort Smith along about this time? A Yes sir.
Q You are certain about it? A yes sir.
Q And it was to this court you were going at the time and that is the reason you fix it the time you saw this wedding? A Yes sir.
Q You don't remember the case but you know that Judge Parker was holding court at Fort Smith? A Yes sir.
Q It was the town of Fort Smith? A Yes sir.
Q You are positive about it? A Yes sir.
Q Now whose house did you stop at where this wedding was? A A man called johnson about 8 miles on this side of Fort Smith.
Q A house was it? A Yes sir.
Q What kind of a house? A I couldn't tell you.
Q Who have you been talking to about this case? A Nobody, she jumped me up wanted me to tell about his wedding down there at Johnson's.
Q How long after the war was it? A I couldn't tell you.
Q 10 years? A I couldn't tell you now because I didn't keep account.
Q Was it as much as 10 years, your best judgment? A I don,t know, I couldn't tell.
Q Was it as much as 15 years after the war? A I don't know.
Q Was that your best judgment? A I said it was in '66, I don't know what day or month.
Q You say it might have been 15 years? A Yes sir, it might have been.
Q You knew when the war ended? A Yes sir, I been all through the war.
Q And you lived 10 or 15 years after the war before you went down the and saw this wedding? A I don't know.
Q Was that your best judgment about how long it was after the war?
A I couldn't tell it.
Q Do you think it was as much as 10 or 15 years? A It might have been.
Q Is that your best judgment about it under oath? A It might be and it may not be.
Q What year is this? A This is October.

Q What year is this? A I don't keep the date.
Q Do you know any of these years at all? A No sir, I don't read or I don't want to get mixed up in those things.
Q You don't read nor write? A That is all I know.
Q You never interpreter for anybody at Fort Smith but Judge Parker's Court? A I interpreted in that court and in this other man's court.
Q Rogers? A Yes sir.
Q You commenced in Judge Parker's court? A Yes sir.
Q And it wasduring your time in interpretering in Judge Parker's court at Fort Smith when you stopped and saw this wedding? A I saw this wedding before I got there.
Q You were on your way ? A Yes sir.
Q You don,t know how long it was after the war? A I couldn't tell you that.
Q Don't you know how old your youngest child is? A I had children before the war, I couldn't tell you.
Q Have you had any born since the war? A I don't know.
Q Don't you have any idea about years at all? A No sir, I haven't any.
Q Did you ever see this man Duncan afterwards? A Yes sir, worked here all the time.
Q Is he living now? A Yes sir.
Q Where is he? A Who.
Q Duncan? A Her husband you mean.
Q No Duncan, this man that done this marrying? A He is dead.
Q This man Fairchild worked around here? A Yes sir, a good deal all over this town.
Q When did you first talk to him about this case? A Just met him this morning, he said he had nothing to do with this case at all. She talked with me.
Q She never talked to you until this morning about it? A No sir.
Q Have you ever been to her house in the Cherokee Nation? A Yes sir.
Q You never saw them living in the Cherokee Nation? A I saw them living at Port Gibson in the town.
Q Did so after they were married? A A good time.
Q How many years after they were married? A I couldn't tell you, I don't know, kept no record, I just seen the marriage and that that is all I know.
Q You don't know what year it was? A No sir.
Q You don't know how long it was after the war? A No sir, I don't.
Q You have no idea at all about it? A No sir, I have no idea.
Q You are sort of forgetful now are you? A I know I went and seen the and seen the wedding, that is all.
Q Who else was there? A Lots of people but I was a stranger there.
Q Lots of people there? A Yes sir.
Q Yards full? A Yes sir.
Q Witnesses going to court? A Yes sir.
Q Judge Parker's court? A Yessir.
Q You are certain of that? A Yes sir.
Q You knew Judge Parker well? A Yes sir.
Q You testified before the Commission in a good many Creek cases?
A Yes sir, lots of them.
Q Where do you live? A A quarter from town.

ON BEHALF OF THE COMMISSIONER:
Q How do you fix the year 1866? A Of what.
Q You said it was 1866 and that was all you knew? A I was told that
Q Who told you? A Before I went to Fort Smith, a subpoena---

BY MR O'HARE:

Q You say you were Interpreter in the Federal Court before it moved to Fort Smith, when they were at Van Buren? A Yes sir, I was interpreter at Van Buren before it moved to Fort Smith.

Q Who held the court at Van Buren, what Judge? A I think it was the same man that was there if I aint mistaken now, but I interpreted there 3 or 4 times before it moved to Fort Smith.

Q You are not certain but you think it was the same judge at Van Buren? A Yes sir.

Q At this time were you going to Van Buren or Fort Smith? A I was going to Fort Smith.

Q And you went on after this marriage to Fort Smith, did you? A Yes sir.

Q Your recollection is then it was the same Judge there then that had held court there at Van Buren the last time? A Yes sir.

Q You interpreted at Van Buren until it moved? A Yes sir.

Q And the same Judge was on the bench at Van Buren as at Fort Smith? A Yes sir.

Q You say you knew this woman before the marriage? A Yes sir.

Q And you have seen her a great many times since? A Yes sir, lots of time.

QQ That is whenever you would happen to be at Fort Smith? A Yes sir.

Q Now you do not know what a year is do you, do you know how many days in a year? A No sir.

Q Do you know how many months? A No sir.

Q Now how many weeks? A No sir.

Q As a matter of fact when a man says a year you do not know how may days? A No sir.

Q As a matter of fact when a man says a thing happened ten years ago that would not give you any idea as to when it took place?

A No sir.

Q This is something you knew nothing about? A No sir.

Q So when you saw ten years after the war or 15 years after, you don't know the difference between those two times? A Yes sir.

Q Was it, or was it not, after the war when this marriage took place? A Yes sir, it was after the war.

Q But you don't know how long after the war except you were told at that time that it was 1866? A Yes sir.

Q You don't know whether it was one or 20 years after the war?

A No sir, I don't.

BY MR. HASTINGS:

Q You knew though it was Judge Parker holding court at Fort Smith when you went along and this marriage took place? A Yes sir.

W I T N E S S E X C U S E D.

Mr. Hastings: It is admitted by Col. Cravens and Mr. O'Hare, representatives of the applicant, that Judge Parker first held court in the town of Fort Smith, Arkansas, in the year of 1874.

The following proceedings were had on behalf of the Cherokee Nation.

MARGARET SANDERS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A I goes by the name of Margaret Sanders now, by my old name is Margaret Irons.

Q Were you the slave of a Cherokee citizen before the war? A Yes sir.

Q About how old were you when the war came up? A I guess I was about 20.
Q Where were you living when the war came up? A Living right at my old mistress's on Fourteen Mile Creek.
Q What district was that in? A In Tahlequah district.
Q Cherokee Nation? A Yes sir.
Q What town is near there now? A Salvin.
Q About how far did you live from where Salvin now is when the war came up? A About four miles.
Q What direction? A I can't tell you about the direction, toward sunset.
Q How far did you live from the Grand river? A It is about five miles.
Q Didyou always belong to Anna Irene? A Yes sir.
Q Did you ever know a Cherokeeman by the name of Joe Rogers? A That was her brother.
Q Brother of Anna Irene? A Yes sir.
Q How far did you live from Joe Rogers? A He was living right near her pretty near all the time. His father lived event a mile from her.
Q What was his father's name, do you remember? A Always called him grandad, I don't hardly know what his name is. He was an old man.
Q But you remember him? A I remember him well.
Q And you knew Joe Rogers, did you? A Yes sir.
Q And Will Rogers? A Yes sir.
Q What relation was Will Rogers to Joe Rogers? A Full brethers.
Q Did Joe Rogers have any children? A They had two children by a woman named Linda, and before he died he freed this woman and her two children, and one that she had by Ross.
Q Her name was Linda? A Yes sir.
Q And what were the two children he had by Linda named? A Martha and gary.
Q Are they living? A I think all of the women are dead but some of the children are living.
Q How about the boy she had by a man named Ross? A He freed him and a colored man named Peter he turned over to my old mistress.
Q Was joe Rogers living when the war came up? A No sir.
Q How long before the war came up he died? A He died before that big payment.
Q Old settler's payment? A Yes sir.
Q Where did he die? A Up thereat his home on the creek.
Q Near where Salvin now is? A Yes sir.
Q That was 4 or 5 miles from Grand River? A Yes sir.
Q But that was in the bottom was it? A Yes sir.
Q Who owns this place now? A The old place is all torn up, the railroad runs close to it. Aint no one living on it, the house we left this Martha and gary, and John he lived on that place when he died. The old man died then he turned it over to them.
Q But he died before the old settler's payment? A Yes sir.
Q Did this Joe Rogers own some slaves besides these he set free that you mention? A None that I know of.
Q Joe Rogers didn't own any? A Didn't own any but this Peter and gaynor, and one they called Longteeth ganey, but she was black.
Q About how old was this Nancy before the war? A She was about 30 years old I guess. She had a good big boy when she died.
Q Did she die before the war or after? A In time of the war.
Q Where? A Up there at the same old place. Her old mistress never moved any of her colored people.
Q Did any of them go to Texas? A No sir.
Q All stayed there? A All stayed at home.

Q Were you there when Lengtooth Nancy died? A Yes sir.
Q Was buried up there? A Buried right there one.
Q Did Joe Rogers own any other slaves by the name of Nancy or Jane?
A No sir.
Q Did he ever own a woman named Frances? A No sir.
Q And you belonged to his sister at the time he died? A Yes sir.
Q Did this Joe Rogers that you mention have any brothers? A Yes sir.
Q Name all of them you can think of? A He had one named John Rogers, and Will Rogers, they always lived right around there.
Q Do you know whether that Joe Rogers of whom you are testifying is any relation to the present Chief? A No sir, I don't.
Q Did you know of any other Joe Rogers who was a Cherokee by blood in that section of the country up there? A No sir, that is the only one I knew.
Q Did he have a wife? A No sir.
Q Never had any? A No sir.
Q These two children were by his slaves? A By his slave women.
Q Never had any wife? A No sir.
Q Was the slave by whom he had these children dead when the war came up, Linda? A No sir, these children just died lately.
Q I mean their mother, Linda, was she dead when the war came up?
A Yes sir.
Q What didyou say their names were? A Martha and Mary.
Q What was Mary's other name? A Mary Wofford.
Q And did Martha marry? A She married a Canard, a Creek.
Q Did this Joe Rogers ever have a colored woman that was crippled that they sent off to a doctor, away from the place, that you ever heard of? A No sir.
Q You say none of his slaves were sent south? A None of them never went south.
Q Did Joe Rogers have a brother names Isaac? A That was his half brother.
Q Will and Josh Rogers were his full borthers that you have mentioned? A Yes sir.
Q Where did Isaac Rogers live? A Right there on the other side of the river, right on the bank of the river on the other side. His wife was named Tinka.
Q Did this Ike Rogers have a son named Joe? A He had a son named George.
Q He didn't have a son named Joe then? A No sir.
Q Do you know Nancy Fairchild, this applicant? A I got slightly acquainted with her, seen her around town.
Q Around what town? A Fort Gibson.
Q When didyou first see her around Fort Gibson? A I seed her there about 4 or 5 years, I seed her around Gibson there, the first I seen, she didn't come in with Mr. Fairchild, a white woman came with him.
Q You mean Mr. Fairchild, her husband? A Yes sir.
Q You say he came with a white woman first? A He brought a white woman and the next this woman came.
Q Did this man Fairchild have a white woman for his wife? A That is what they claimed.
Q What become of the white woman? A I think some white man took her away from him.
Q Did you ever talk with Nancy Fairchild as to who her owner was?
A No sir, she never did.
Q Never made any inquiry of you? A None at all, and she seed me lots of times but she never made any inquiry about those people that I have ever heard.
Q About how long ago was it when you first saw her? A Well, I don't know, it has been a good while since I seed her around twon there. I think she moved off, went away, and went back to Fort Smith where she come from.

Q About how long after the war before you first saw her? A About 10 or 12 years.
Q You say her husband came there first with a white woman? A When he first came in he had a white woman, and then she came afterwards
Q And about how long was it after the war when you first saw her husband with a white woman there? A About 5 or 6 years, I seen him around there, they talked about him being in there with a white woman, and the next came this woman he said was his wife.
Q How did this Joe Rogers of whom you have been testifying ever own this Nancy Fairchild? A If he ever owned her I never seen her.
Q Could he have owned any slaves without your knowing it? A No sir, I never seed her.
Q You knew all of his slaves? A I knew his slaves and I know if she had ever been sent off and I didn't see her I would have heard something about it. I was born and raised there.

BY MR. O'NANE:
Q Where do you live now? A About four miles from where I always lived, near Melvin.
Q Always lived there? A Always.
Q Is that the place you say you lived with Mrs. Irons? A Down below there about four miles.
Q How old do you say you are now? A I am about 50 or 60 years, may be older.
Q Now what is your best judgment as to how old you are? A I am about 70 years old.
Q About 70? A Yes sir, I know I am, I was a woman married before the war.
Q How long has it been since the war? A I don't know that.
Q Do you know how many years it has been? A No sir, I don't.
Q Has it been 20? A It has been over 20.
Q Has it been 45 years since the war? A It has been over that.
Q What do you say as to it being 55 years since the war broke out?
A It has not been that long.
Q Do you recollect when the war broke out? A Yes sir, I was a married woman.
Q You said awhile ago you were 30 when the war broke out? A I never said I was.
Q I ask you now, regardless of what you say awhile ago, how old were you when the war broke out? A About 25.
Q You think that is what you were? A Yes sir.
Q And you think you are 70 now? A Yes sir.
Q You have always lived out there have you? A Yes sir.
Q You were married before the war? A Yes sir, married then.
Q Married before the war? A Yes sir.
Q And you were a slave of Mrs. Irons? A Yes sir.
Q And Mrs. Irons was a sister of this Joe Rogers you have been telling about? A Yes sir.
Q And did Joe Rogers live with Mrs. Irons? A Yes sir, near to her about 3 or 4 miles.
Q Who kept house for Joe Rogers? A That woman that he freed, Linda.
Q What was she, a colored woman? A She was a white mulatto, but she was a slave.
Q She lived with him as his wife? A No sir.
Q She was always with him there? A Yes sir.
Q And he had some children by her? A Had two children.
Q How many slaves do you say Joe Rogers had? A There was her and her two children, and then another boy they called John, and Peter and Hayden.
Q What did Joe Rogers do, did he farm? A Yes sir, he farmed.
Q What size ranch did he have there? A I don't know what size.
Q Was he considerd well off? A He was well off with stock.

Q He had plenty of stock? A Yes sir.
Q And you think he only had five slaves? A That is all I know about.
Q You are only testifying here as to the slaves you know? A What I know.
Q You are simply telling now that you know those five slaves?
A Yes sir.
Q Those are the ones you know? A Yes sir.
Q You don't say he didn't have more slaves than that? A I aint saying that but I know all these.
Q And that is all you are testifying to? A Yes sir.
Q Now you say he died before the payment? A Beofore the old settler'spayment.
Q Do you know what year that was? A No sir, I don't.
Q How long before the war broke out or was it after the war broke out? A It was before the war broke out.
Q And how long do you think, would it have been as much as 10 years before the war broke out? A I guess it must have been.
Q Then at the time of the payment that would make you 14 or 15 years old? A I didn't say that.
Q Were you more than 14 when Joe Rogers died? A I wasn't 14 I don't reckon when he died, I was a young woman pretty near grown when he died and I remember his death.
Q You say that was before this payment? A Yes sir.
Q Now when the war broke out you stayed right there? A Yes sir.
Q What was the general custom of other people's slaves, did they go south or not? A Some went south and some went north but she was so good to her colered people they didn't leave her.
Q But nearly all of the slaves went one way or the other? A Yes sir.
Q What did you say that Joe Roger's slaves did? A They were there, the three women were.
Q Before thewar? A Yes sir.
Q And they were freed by Joe Rogers? A Yes sir.
Q And that was before he died? A Yes sir.
Q And that was ten years before the war? A Yes sir.
Q He didn't have any slaves at that time? A He freed these four aand he had one named Peter andone named Hayden and Longtooth wancy was his, and when he died he turned over everyting to his sister Anna Irons.
Q Now I am trying to find out nothing but the facts, Joe Rogers freed all his women slaves before the war or before he died?
A He freed them three.
Q And he died you think ten years before the war? A Yes sir.
Q And you don't remember any slaves that Joe Rogers for a period of ten years before the war? A Just them was all I know.
Q There was no family slaves you say on Joe Rogers place for a period of ten years before the war? A There was oje and a man.
Q There was no women slaves? A Yes sir.
Q Ten years before the war? A I reckon it was ten years.
Q Did you ever live there at all during the war time? A No sir, stayed with my mistress until she died.
Q When did she die? A She died at the close of the war.
Q Then where did you go? A To Fort Gibson.
Q Moved to Fort Gibson? A No sir, just working.
Q Did this Joe Rogers have a brother named Will? A Will Rogers.
Q And John? A Yes sir?
Q Didhe have a brother names Charley Rogers? A No brother, but I think he was Charleyxx Rogers' cousin?

Q You know Charley Rogers did you? A Yes sir.
Q Where did he live with referenge to Joe Rogers? A Way up on Dalling
Q Do you know whether he went to the war or not? A No sir.
Q You don't know what became of him? A No sir.
Q You say Joe Rogers lived about four miles from Mrs. Irons? A Yes sir.
Q You were married this time before the war? A Yes sir.
Q And lived on Mrs. Irons place? A Living right with her.
Q Were you frequently up to Joe Rogers? A He was at her house a great deal.
Q And she was at his house a great deal? A Yes sir
Q Were you at his house a great deal? A Yes sir.
Q Did you know any other family in that vicinity named Rogers?
A No sir.
Q Did you know of any other family or did you ever ever hear mentioned at that time before the war in that vicinity of any other family named Rogers besides Joe Rogers? A Isaac Rogers.
Q Did you ever hear of any others? A No sir.
Q Did you ever hear of any other Rogers who you didn't know? A No sir.
Q Did you know all the people who lived in that vicinity at that time? A I never knew of but two sets of Rogers that lived around there.
Q Did you know nearly all of the people besides the Rogers in that section of country? A Yes sir.
Q Who lived close to Joe Rogers? A Rapers.
Q Who lives next to Rapers? A Mr. Cochran.
Q What direction did Joe Rogers live from his sister? A He lived toward the south.
Q And four miles south? A Yes sir.
Q What family lived four miles north of Mrs. Irons? A No sir.
Q Do you know what family lived four miles east of Mrs. Irons?
A I done told you all I know and I kxxx aint going to tell you any more.
Q Do you know what family lived west of Mrs. Irons? A No sir.
Q Do you know any other families except Joe Rogers and these Rapers that lived in that vicinity? A No sir.
Q Do you know if therehad been a family named Rogers living four miles west of Mrs. Irons would you have known it? A If they had been there.
Q Then who didlive four miles west, do you know? A No sir.
Q Then might not there have been a Rogers family living four miles west? A The Rogers visited one another.
Q How many visited there? A A good many.
Q Do you recollect the names of all of the Rogers that visited there? A If I took time I could.
Q The fact is that there were a good many Rogers in that vicinity who were visiting at Mrs. Irons and were visiting during the peirod you were there? A I knew Cyntha, Charley, John, Jim Rogers.
Q Charley Rogers visited there? A Yes sir.
Q Were there any other Rogers A No sir.
Q The fact is you didn't know very mouh about the neighbors? A I am telling you about my old mistress's slaves, they went where they pleased and come when they get ready.
Q That is not answering the question? A I knew all around there.
Q You den't claim that there wasn't anybody else named Rogers living inthat vicinity? A No sir.
Q What was the name of that place there, did it have any particular named that settlement? A No sir.
Q Did you ever hear it called Peavine? A No sir.
Q What is to thefact as to there being a valley there where a large amount of this Peavine grew? A No sir.
Q You never heard it called Peavine? A No sir.

Q How far from the Grand River is this place you are talking about of Joe Rogers? A About five miles.
Q Which direction? A Toward sunset from where we lived.
Q What other stream or creek was there near there? A There was Fourteen Mile Creek on the other side of it.
Q How far on the other side? A About three or four yards.
Q Then it was right close to this Fourteen Mile Creek? A Yes sir.
Q About five miles from Grand River? A Yes sir.
Q You never heard of it called Peavine? A No sir.
Q Never knew of the fact that a large amount of Peavine grew there?
A I didn't see any.

BY MR. HASTINGS:
Q You knew all the slaves that this Joe Rogers had, did you? A Yes sir.
Q And you have told them all? A All I know.
Q And he only had one Longtooth negro? A No sir.
Q And the slaves that weren't set free went to your mistress, Anna Irons, after Joe Rogers died? A Yes sir.
Q And you know you never saw this Amey Fairchild before the war?
A No sir.
Q How far did Joe Rogers live from Fort Gibson? A It is called 8 miles.

BY MR. O'HARE:
Q All you say about this is the slaves you have named were all the slaves that the Joe Rogers that you knew had? A That is all I know.

ON BEHALF OF THE COMMISSIONER:
Q Did you ever hear of a colored woman in that country , or mulatto, called Frances? A No sir, I didn't.

BY MR. HASTINGS:
Q This mulatto wife named Linda and these children she had, all of them live on there with Joe Rogers until he died? A Yes sir.
Q When did the slave wife die? A Before the war.

W I T N E S S E X C U S E D.

J. M. KEYS, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A J. M. Keys.
Q You have been on the stand in this case before? A Yes sir.
Q What is your age? A 62.
Q Where did you live berore the war? A On Fourteen Mile Creek near Melvin.
Q Did you live near where this Joe Rogers is said to have lived?
A Yes sir.
Q You are a Cherokee by blood? A Yes sir.
Q How old areyou? A 62.
Q Then you were about 17 years old when the war came up? A Yes sir, 17 or 18.
Q I believe you testified before that this Joe Rogers that you had heard of him but didn't have no personal recollection of him?
A No sir.
Q Did you ever assist in making old settler's roll? A I was one of the Commissioner's.
Q Did you know the date of that old settler roll which was made before the war? A I think it was made in 1851.

Q Did you make an examination of Thos. Vol Cottier's roll made in 1880, to see whether or not this Joe Rogers named appeared upon it? A It is my recollection that I examined the roll.
Q Did this name appear upon it? A No sir, I don't think it appeared upon it.
Q You were always one of the Attorneys representing the Cherokee Nation in 1896, were you not? A Yes sir.
Q Did Lucy Fairchild appear before the Kern-Clifton Commission at that time? A Yes sir.
Q Made application to be enrolled as a Cherokee freedman? A Yes sir
Q And gave testimony at that time? A Yes sir.
Q Have you refreshed your memory from any pencil notes you made?
A

Mr. O'Hare: We object to that as incompetent, irrelevant and immaterial, and an improper method of impeaching this witness as there was no proper foundation made she was testifying here.

On Behalf of the Commissioner: Objection noted.

A I have.
Q Did she claim at that time to have belonged to Joe Rogers on Fourteen Mile Creek, as shown from her and the testimony of her witnesses? A The Joe Rogers that lived on Fourteen Mile Creek.

Mr. O'Hare: We object to this as incompetent, and immaterial, and not the best evidence

On Behalf of the Commissioner: Objection noted

Q Was it the same Joe Rogers about whom this colored woman, Margaret Sanders testified about? A Yes sir.
Q Now you say you were a young man about 17 years old when the war came up, did you know of any other Joe Rogers in that country other than this Joe Rogers about whom you have testified? A No sir, none who resided in that immediate neighborhood.
Q Did you know of any Joe Rogers living north of there for 20 or 25 miles near the place that is testified to by Looney R. Gourd upon the stand this morning? A I knew of a boy named Joe Rogers. that lived about 18 or 20 miles north of this place.
Q Where did he live? A On Grand River, on the west side near Chotea Creek.
Q Whose son was he? A I think perhaps of Lewis Rogers.
Q Was he a grown young man when the war came up? A No sir, just a boy.
Q Did he own any slaves? A No sir, none that I know of.
Q He wasn't a man of a family? A No sir, just a boy.

BY MR. O'HARE:
Q You had been then at the commencement of the war you would have been 18 years old, that is in 1861? A Yes sir, I was born March 25, 1843.
Q I say at the commencement of the war you would have been 18?
A Yes sir.
Q What was your occupation? A A farmer and stock raiser.
Q Did you live with your parents? A Yes sir.
Q How far did you live from this place? A I lived from where this Joe Rogers lived about four miles east.
Q How far did you live from the place Nancy Fairchild has described in her testimony, or are you familiar with that location? A New she has described in her testimony----

Q Now we are acting of the place she described this morning and the place Mr. Rattlingsword described now far distant from this other place? A About 40 miles.
Q Do you know who lived up there? A Yes sir, about the war and after.
Q Prior to the war? A I do not know.
Q You were a farmer and a boy 17 years old in 1860? A Yes sir.
Q And your business naturally would be at home assisting on the farm? A Yes sir, but I was in that neighborhood occasionally.
Q Did you ever have any business in a neighborhood 40 miles away in 1860? A I casonly passing through there occasionally.
Q Now you claim you lived 40 miles from where Mr. Rattlingsword testified about? A Yes sir.

BY MR. HASTINGS:
Q You have for the past ten years been assisting in making a roll of Cherokee freedmen in the Cherokee Nation, you began in 1896 did you not? A Yes sir
Q And during this past ten years it has been your business to investigate these old families and their location? A Yes sir, more so than any one I judge.
Q You have travelled all over the country in search of that investigation, haven't you? A Yes sir.
Q I will ask you if you have ever heard of any Joe Rogers living up in that vicinity where Looney R. Gourd located him before the war?
A No sir, ~~ha~~ I never have.
Q You, I believe, have already testified that you assisted in representing the Cherokee Nation in this particular case in 1896?
A Yes sir.
Q And you made search on behalf of the Cherokee Nation for testimony in this case since this application has been made?
A Yes sir.
Q During any of your investigations have you ever found any one that ever said , before Looney R. Gourd testified, upon the stand thismorning, that any Joe Rogers ever lived up in that community? A Never have.
Q Have you ever heard of any other Joe Rogers living over in the hills on the east sid of Grand River who owned slaves other than this particular Joe Rogers about whom you testified? A Never did.
Q And this is the same Joe Rogers who is the father of Mary Wofford and she belonged to him before the war? A Her principal witness was Martha Canard.
Q And this Joe Rogers about whom you testified and about whom this colored woman who just left the stand testified was the father of Mary Wofford and Martha Canard? A yes sir.
Q And that is why you went in search of this woman as a witness in this case? A Yes sir.
Q Do you know where Peavine Creek is? A Yes sir, I want to make a correction in a former statement , I said it flowed into the Illinois River, it flows into Barron Fork before it empties into the Illinois River.

ON BEHALF OF THE COMMISSIONER:
Q In connection with your testimony in regard to the making of the Kern-Clifton roll, have you anything by which you have refreshed your memory as to the testimony introduced by this present applicant before the Commission? A Yes sir, at the time before that testimony was taken I kept notes for the benefit of myself and Mr. Hastings. I wrote a brief synopsis of what each witness testified.

BY MR O'HARE:

Q Have you been [illegible] some [illegible]? A Yes sir, I think they are up to the office.

Q You say that for the past ten years you have been engaged in making a diligent search for the purpose of ascertaining whether these people should be placed on the roll or not? A I have been engaged in making rolls of the Cherokee Nation.

Q And during all that time and it has been a part of your employment to discover such evidence as will prevent these people from being enrolled? A Yes sir.

Q And the evidence has not been such as would place these people on the roll? A I endeavored to get the facts.

Q In every particular case it was a part of your duty to discover such evidence as would reject them? A I never attempted to buy anybody.

Q But in a single case that you have ever investigated have you ever attempted to get such evidence as to place them on the roll? A I quit them if I could find that kind of evidence.

Q When you ever endeavored to find evidence that would place the applicant on the roll, wasn't it your duty to find out such evidence if it existed to prevent these people from being placed on the roll? A It was my duty to defeat these fraudulent applicants.

Q You say you never heard that there was such a place as Peavine?

A I never said that.

Q You never talked to Mr. Rattlingourd? A No sir, just spoke to him.

Q Didn't you know Mr. Rattlingourd was an old settler up in that neighborhood? A He lived near Tahlequah when I know him.

Q Well you knew he was an old settler up in that neighborhood?

A No sir, but he said he lived there three years.

Q But in any event it has been a part of your duty to discover such evidence as would prevent these people from being put on the roll? A Yes sir.

Q Do you know whether or not there was such a man named Joe Rogers lived and owned slaves at the place Mr. Rattlingourd described in his testimony, before 1860? A That that I knew of.

Q Outside of what you have been told by other people, from your own personal knowledge, up to 1860 do you know whether or not there was such a man lived there by the name of Joe Rogers and had slaves? A I never heard of it.

Q Do you know whether he lived there or not? A I never heard of one. I do not know.

BY MR. HASTINGS:

Q Don't you know from your investigations and aren't you positive that no such a man ever lived there? A I don't think any such man ever lived there.

Q Aren't you positive? A That is my best judgment.

BY MR. O'HARE:

Q The only thing you acquired in your investigation is what somebody else told you? A Yes sir.

Q From your own personal knowledge you know nothing about it? A I never knew of ~~hmk~~ a Joe Rogers living there where they say he did.

Mr. O'Hare: We move to strike out the testimony of this witness as to the fact of his not knowing that Joe Rogers lived at the place described by Nancy Fairchild and Mr. Rattlingourd; that it does not bear in any way to this matter.

On Behalf of the Commissioner: Objection noted.

WITNESS EXCUSED.

[illegible], being first duly sworn, testified as follows:

By Mr. Gardner:

Q What is your name? A [illegible].
Q How old are you? A I am 8[illegible], will come to 88.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q You heard the testimony of Looney R. Gourd in this case this morning? A Yes sir.
Q You heard of a place he located where one Joe Rogers should have lived prior to the war? A Yes sir, I heard that.
Q Do you know the Johnson Thompson of whom he spoke? A Yes sir, I knew Johnson Thompson.
Q Did you know where he lived before the war? A Yes sir, I lived at his house awhile before the war.
Q How long before the war did you live at his house? A Worked there three years.
Q What were your business there? A Clerking in his store.
Q Were you acquainted with the people in that vicinity? A Yes sir, pretty well, that was the only store there in the country, we traded with practically everybody around there.
Q There were no railroads in that country? A No sir.
Q And people come from a distance to trade there? A Yes sir.
Q And you were a clerk in that store? A Yes sir.
Q I will ask you if there is any Joe Rogers that you ever heard of living over there, any within 5 or 6 miles east of this Johnson Thompson's place and east of Grand River? A None that ever I heard of. There was a road run north east from Johnson Thompson's place going right out to Fayetville, Arkansas.
Q Did you travel that frequently? A Yes sir, my home was up there about 25 miles.
Q And you traveled backwards and forwards from your old home to this place where Johnson Thompson was in business? A Yes sir, I had been going down there, they were kin folks to me and I lived around them.
Q And you were familiar with the people that lived in that vicinity?
A Just from about 10 years old up to now as far as that is concerned. Never been away from there, I have been in a circle of 50 miles.
Q Did you ever hear of a Joe Rogers living in that vicinity where Looney R. Gourd placed him there? A No sir, 7 miles east of there would not have been any place for a man to live.
Q Did anybody live up there where this man should have lived?
A The only people that lived over there on what is called Drowining Creek, a little creek that headed up east and comes down in Grand River, there was probably half a dozen Cherokees that lived up and down that creek, and I think from the head of it, between that and Honey Creek was hills and mountains like, just barren hills.
Q Did you ever hear of a Joe Rogers living there? A No sir.
Q Have you ever since the war heard of a Joe Rogers living there?
A No sir, never have, I can name all the Joe Rogers that I knew.
Q Do you know the present Chief, Wm. C. Rogers? A Yes sir.
Q Do you know his father? A Yes sir.
Q Didyou know a Joe Rogers that was an uncle or great uncle of this Wm. C. Rogers? A I only knew of him as being a brother of John Rogers.
Q And that was a great uncle of the present Chief? A Yes sir.
Q Where did that Joe Rogers live? A He lived down on the river there above Fort Gibson.
Q Is he the same Rogers about whom J. M. Keys and Margaret Sanders testified? A Yes sir, that is the same Rogers.
Q That was a great uncle of the present Chief? A Yes sir, the present Chief's father was named Charley Rogers.

Q And this Joe Rogers would have been an uncle of Charley Rogers?
A Yes sir, he was a brother of John Rogers, Jr. Old man Rogers was [illegible] he was something over 100 years old when he died, and he had Will Rogers for a son, and John Rogers, Joe Rogers, and James Rogers, and Mrs. Irene. I do not know whether there was any more or not. It seems to me one of them Will Rogers lived down there, and the Rogers lived down in there too, I have been to Mrs. Irene.
Q Anything else you desire to state in the record? A Well no, I don't know that I could give any more light on it about that Rogers outfit only to tell you the reason why I know that country is you see it is years of age I went up close to that country to see to school among those Indians and we hunted over that country right smart and when I was at Johnson Thompson's I passed right across the country all the time.
Q If Looney R. Gourd ever went to a Joe Rogers it was farther down Grand River and it wasn't as far up as he placed it in his testimony? A He must have went to that Joe Rogers down Grand River, for there were but one other Joe Rogers and he lived up on Shoal Creek in what is now Kansas.
Q There were but two Joe Rogers? A Yes sir.
Q And this was theonly other Joe Rogers and he was farther down the river? A That is theonly other one that was a grown man, now the other Joe Rogers they spoke about I know him but he was a boy.
Q If Looney R. Gourd went to a Joe Rogers' place hunting cattle he located him too far up the river? A Yes sir, he was entirely too far up for any Joe Rogers.
Q But he located him, youunderstand, he located him some 5 or 6 miles east of Grand River? and so did Margaret Sanders, but the location of Margat
ret Sanders properly locates the Joe Rogers about who you testified? A Yes sir, so far as I know, but I don't ever recollect of knowing exactly where his house was.
Q But you know he didn't live where Looney R. Gourd testified about?
A No sir, he didn't live up there.

BY MR. O'HARE:
Q Did you know that man Gourd before the war? A Yes sir, I believe I seen him before the war.
Q How long before, do you know? A I don't know the first time, but I believe the first time I saw him is when he was at Dr. Thompson. He went up there and stayed awhile and then went off to California.
Q You heard his testimony this morning, from what he said were you able to identify the place he was locating, from the description he gave? A No sir, I never saw any such place as that where a man could live and have a lot of stock.
Q Would he able to pick it out from Gourd's description? A No sir
Q You can't locate it from his description at all can you by listening to his testimony? A You mean go to the points he designated as being.
Q Yes? A No, beanuse it isn't there.
Q You couldn'tXXXX then locate any place in his testimony? A No sir
Q You haven't any recollection of any such place described by Ratlingourd? A No sir.
Q You don't know who lived in that place described by him? A No sir.
Q There might have been a man named Joe Rogers lived there? A I don't think it is possible.

Q You don't know who lived there? A I don't anybody live there.
Q There doesn't any live where the place described by Rattlingourd lived? A I think it is an imaginary place.
Q Now he said it was 5 miles east of Grand River? A He said it was 7 miles east of Johnson Thompson.
Q Didn't Margaret Sanders say the place was 5 miles east of Grand River? A Probably she did.
Q Can you recollect the place she described? A She described just what you said.
Q Can you locate the place from her description? A She said it was 5 miles from Fort Gibson.
Q She described this place, the Joe Rogers she was at, was 5 miles east of Grand River? A Yes sir.
Q And Rattlingourd said his place was 5 miles? A Yes sir.
Q Can you identify the place she described and not the place he described? A There was only one way about it, they all agree over the place there at Joe Rogers, and I am satisfied you can take a place 7 miles east of Johnson Thompson's and find no such place.
Q Didn't Rattlingourd and she both testified and describe this place as being five miles east of Grand River and a creek on the other side, a small creek or stream? A She said the creek was Fourteen Mile Creek and 400 yards.
Q And Mr. Rattlingourd said this placeshe visited was between Grand River and this creek? A Yes sir.
Q You can not locate the place from her description and not from his description? A In the first place there couldn't be any place where Rattlingourd described.
Q Then you want it understood that he located the place wrong, did he? A Margaret Sanders located it right on Fourteen Mile Creek which sorter runs parallel with Grand River.
Q You just said there could be no such place between Grand River and five miles east on that creek? A I said from the point that this fellow indicated up there east of Johnson Thompson, from a point east of Grand River there was no creek running that way, that come this way (indicating). I said Fourteen Mile Creek runs parallel with the river. From the point indicated by Rattlingourd in histestimony this morning locating Joe Rogers as living 7 miles east of Johnson Thompson on Grand River there would be no creek at all running between that point and Johnson Thompson or Grand River because the creeks run west into Grand River.
Q Do you know of such a place as Peavine? A Yes sir, I recollect a creek called Peavine and a school house and the camp ground and a meeting place, called Peavine. I was there at meeting and Sunday School a good many times.
Q You have a recollection of this place? A It is over here in Goingsnake.District, now in the Cherokee Nation, and it is one of the branches of the Barron Fork of the Illinois River and runs in from the east side of the river.
Q What is the place known among the old settlers and generally called Peavine, that is the place you describe? A That is the only one you ever knew, there was a school house and preaching house, and is there yet.

BY MR. HASTINGS:
Q How far was that from this Johnson Thompson place? A I expect 40 miles.
Q Was any place any ways around near Johnson Thompson's place that Looney R. Gourd testified about known as Peavine or Peavine Creek? A No sir, none that I ever heard of at all.

Q Now Mr. Bell you were asked by the attorney for the other side if you could locate the Joe Rogers place as testified to by Looney R. Gourd, can you locate a point that would be practically 7 miles east of the Johnson Thompson place, you know about where that would be? A Yes sir, I have stated that.
Q That is what has been asked you a half dozen times, if you could tell where Looney R. Gourd located that point? A Yes sir, didn't I tell you it would be up in them hills.
Q Not theplace but the point? A I didn't locate the point.
Q Was there any Joe Rogers place up near that point? A Not that I heard of in my life.

BY MR. O'HARE:
Q How far did you live from that point? A My father lived about 16 or 18 miles, maybe 14 or 15. And I come down to theother end of the line and according to Looney it was 7 miles from Johnson Thompson.
Q And you didn't know any such man as described by Rattlingourd located at such a place? A No sir.
Q But you did know some Joe Rogers over there? A I knew of one Joe Rogers up on Shoal Creek, Joe Rogers---
Q He had slaves? A He might have had.
Q You never was at his house? A No sir.
Q Didn't you know a Joe Rogers besides the one up in Kansas? A I told you I knew that young man that Keys told you about.
Q Who was this Joe Rogers that was Charley Rogers brother? A He didn't have any brother Joe.
Q His nephew? A A man that lived near Mrs. Irons.
Q Now Mr. Bell why do you tell us you only know two Joe Rogers, one up in Kansas and this boy, now there are three Joe Rogers, then there were four Joe Rogers in the Cherokee Nation? A Yes sir, two grown men when the war broke out and the other were little boys.
Q There were two you knew, grown men? A Yes sir, I knew them, but I didn't know Joe Rogers, knew of him, never was at his house, he was a brother of John Rogers and Will Rogers.
Q Do you know nothing whatever about that Joe Rogers? A That is all.

BY MR. HASTINGS:
Q And theother Joe Rogers you knew of lived on the neutral land what is now the State of Kansas? A Yes sir, 50 miles above here.
Q And the other two Joe Rogers were boys and not owners of slaves?
A Yes sir, one of them was a boy and the other might have been about a child. I didn't know him until after the war.
Q But no Joe Rogers lived at this location as testified to by Gourd? A No sir, not that I knew or ever heard of.

W I T N E S S E X C U S E D.

ELIZA ANDRE, being first duly sworn, testified as follows:

BY MR. RAVENPORT:
Q What is your name? A Eliza Andre.
Q Where do you live? A At Fort Gibson.
Q How long have you lived in or near Fort Gibson? A All my life.
Q What was your maiden name, beforeyou were married? A Colston.
Q Were you living in or near Fort Gibson prior to the Civil war?
A Yes sir, living right in Fort Gibson.

Q Did you know the Rogers family of whom W. C. Rogers is the son?
A Yes sir, I knew pretty much all of the Rogers that lived around near us.
Q Was any of the Rogers living near Fort Gibson? A My brother.
Q What was his name? A Charlie.
Q What relation was he to the Principal Chief, W. C. Rogers? A About a second cousin.
Q How many Joe Rogers did you ever know of? A I knew one that lived near us.
Q How far did he live from Fort Gibson? A He lived in a mile or so.
Q You didn.t live in Fort Gibson? A I lived there, on the edge now.
Q How old was he before the war? A I don't know, he must have been about, he was married, about 20 or 25 maybe.
Q Did heown slaves? A No sir.
Q At the breaking out of the war was he still living near you? A He died during the war.
Q When the war broke out did yoe Rogers own any slaves or have any slaves around his place? A Didn't have any.
Q Where did you live from where Joe Rogers lived? A He lived just a little east of town.
Q Did you know another Joe Rogers other than the one of whom you have spoken? A Just heard of him, saw his grave.
Q Do you know where he lived? A Yes sir, up there near where you call Range Creek, 6 or 7 miles up Grand River between where Fourteen Mile Creek empties into Grand River and Fort Gibson.
Q Were you ever up on Grand River to where Johnson Thompson used to have his store? A No sir.
Q Did you ever know of a Joe Rogers living east of Johnson Thompson's store on Grand River? A No sir, those two Joe Rogers you spoke about, and them my brother, and my brother had a cousin that died when I was small.
Q Did you only know of the two Joe Rogers, theone on Fourteen Mile Creek and the one there in Fort Gibson? A Yes sir, I remember seeing his grave. We passed by this Joe Rogers place going to my grandfather.
Q Those were theonly Joe Rogers you ever knew? A Yes sir.
Q Charley Rogers, where did he live before the war? A Thatwas at home.
Q Did he have any slaves? A Yes sir, he had slaves. He had one boy called Jonas Brown, sold him before the war.
Q Charley Rogers lived at your home place when the war broke out? A Yes sir.
Q Who did Charley Rogers marry Mrs. Andre? A A Susie Foreman, a widow.
Q Where did her family live? A Right there around Fort Gibson in a mile away from the place.
Q I believe you said Charley that married Susie Foreman was your brother? A My half brother, we had one mother.
Q Do you know Nancy Fairchild? A For about 25 years.
Q Did Charley Rogers own her at the breaking our of the war? A No sir.
Q Did he take nancy Fairchild with him or did he go so uth? A Yes sir.
Q Did you go with him? A Yes sir.
Q Do you know whether he took Nancy Fiarchild south with him at the breaking out of thewar? A No sir, I don't know anything about it.
Q Did he take her? A No sir, he didn't take her.
Q Where did you go to Mrs. Andree? A Went down here in the Choctaw Nation.
Q Then where did you go from there? A Down in the Choctaw Nation.

Q And you went with your brother Charley when you went? A Yes sir, I went with Foreman's folks.
Q And was Nancy Fairchild with them down there? A No sir, I never knew anything of Nancy Fairchild until here about 25 years ago.
Q Where didyou see her when you first learned her name? A At Fort Gibson, Fairchild working for the Government.
Q That was Nancy's husband? A Yes sir.
Q You lived there all the time after the war closed at Fort Gibson as I understand you? A Yes sir, part of the time lived near Webbers Falls.
Q Did your brother Charley come back to the country before his death? A Yes sir.
Q You never saw Nancy Fairchild until about 25 years ago around Fort Gibson? A No sir, I think my brother was dead before I seen her.
Q Did she ever talk to you about belonging to her brother and your brother's wife and her people? A No sir.
Q She and you have lived in and near Fort Gibson for a number of years since you have known of them? A Yes sir, right there.

BY MR. O'HARE:
Q You say that this Charley Rogers, your brother, lived about a mile from Fort Gibson? A Well it isn't a mile now.
Q It is practically part of Fort Gibson? A Yes sir.
Q And he lived there the time you testified about, before the war?
A Yes sir.
Q He never lived up on Grand River? A No sir.
Q He never had a brother Joe Rogers? A No sir.
Q This Joe Rogers then, if there was a Joe Rogers upon Grand River that had a brother Charley, he would not be your brother? A No sir.
Q You know nothing about any other Charley Rogers? A Yes sir.
Q Where did he live? A The Chief's father, he lived up there.
Q Did you know of any other? A My brother's father was named Charley Rogers.
Q Then there were three Charley Rogers? A Yes sir.
Q But I understand you to say this brother of yours never did live up there? A No sir.
Q Did you ever know of a locality up there or part of the country they called Peavine? A No sir.
Q You didn't know who lived up there? A No sir.
Q You didn't know whether any Joe Rogers lived up there or not?
A No sir.
Q You didn't know whether there was a Joe Rogers who had a brother Charley living up there? A No sir.
Q You didn't know whether a Joe Rogers who had a lot of slaves lived up there? A No sir.
Q In fact the only Charley Rogers you are testifying about is your brother who lived in Fort Gibson? A No sir.
Q As to any other Rogers you don't intend to testify about there whereabouts or anything about them? A No sir, the Joe Rogers lived above us was dead.
Q How old are you? A 88.
Q Then at the commencement of the war you were 14? A 13.
Q What you would know would be more what you have heard by their talk, you were 13 and at 13 you would not have any particular acquaintance of them? A No, not of them.
Q You don't know any of the details of their affairs or anything at all? A No sir.

BY MR. DAVENPORT:
Q It was your brother Charley Rogers who married Sheila Foreman?
A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Did your brother Charley's father go to the war, join the army during the war? A He was dead. My brother was in the army.
Q He was in the Federal army? A No sir, in the Confederate army.

W I T N E S S E X C U S E D.

ROLAND WAVE, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Roland Wave.
Q Where do you live? A Vinita.
Q How long have you lived at Vinita? A About 8 years, this last time.
Q What is your citizenship? A I am a Cherokee freedman.
Q How long have you lived in the Cherokee nation? A All my life.
Q Do you know Nancy Fairchild? A Yes sir.
Q Did you ever know her husband? A Yes sir.
Q Do you remember his name? A Nothing only Fairchild.
Q How long have you known Nancy Fairchild? A It was along in about 1874 or '75 when they moved from Van Buren to Gibson.
Q Where did you get acquainted with Fairchild, Nancy Fairchild's husband? A They camped at our house.
Q Where was that? A There on the bayou east of Gibson.
Q Had you never seen them before that time? A Yes sir.
Q Did you afterwards see them? A Have seen them since.
Q You next saw them after they camped there at your place where did you next see t em? A The next time I saw them Fairchild came to our house with a white woman for his wife and they stayed all ~~xxxxxx~~ night there and moved on here to Gibson and rented a little house there and stayed in there, and they got after him about this white woman andhe went back to Fort Smith, and when he came back he brought this Nancy Fairchild and two children, a boy and a girl, and stayed all night at home again as he was going along. He said then that this woman was the white woman's daughter he had just been down after her, and the next time I saw them they passed home moving, going back to Van Buren, and the next time I saw them was in Fort Smith living there in a house.
Q About how long ago has that been, do you remember? A About 1880.
Q Then where did you next see or hear of them? A Over here at Gibson.
Q When was that? A Time of the enrollment.
Q Which one, the Kern-Clifton or Dawes Commission? A Dawes Commission, they were living in a little house right down this side of where the Dawes Commission was enrolling.

BY MR. O'HARE:
Q When did you say you saw them in Fort Gibson first? A It was either 1874 or '75.
Q Where did you live then? A On the bayou east of Fort Gibson.
Q That was the first time you ever saw him? A Yes sir.
Q She didn't come with him at that time? A No sir.
Q Before that time you knew nothing of him? A No sir.

Q You didn't know anything about Tacey before you saw her coming up with him? A That was the first time I ever saw her.
Q You know nothing about her before that time? A No sir.
Q You don't know where she had lived before that time? A Only what they told me.
Q They were coming from Fort Smith? A Frame Van Buren.

BY MR. DAVENPORT:
Q What were you doing around Fort Smith, how come you to find these folks? A I was marshalling for the United States Government.

W I T N E S S E X C U S E D.

WATT WHITMIRE, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Watt Whitmire.
Q What is your post office? A Westville.
Q What is your nationality? A Half breed Cherokee.
Q How old are you? A 54 years old.
Q Where have you lived the greater part of your life? A I was born and raised on Barron Fork just south of it a couple of miles on a little creek called Peavine.
Q Have you lived in the Cherokee Nation all your life? A Yes sir, except during the war.
Q You say you were born and raised on Peavine Creek? A Yes sir.
Q That creek is east of Tahlequah from the Arkansas line? A Yes sir.
Q Did you ever know of a man by the name of Joe Rogers living on that creek about, any time from the time you can remember up to the present time? A No sir, I don't recollect of any Rogers.
Q If there was a man there who owned slaves that had slaves and a plantation there you would have know it? A Yes sir, I was acquainted with every man up and down the creek.
Q How long is it? A It begins near Stilwell and runs north about well 8 miles, hardly so far, between 7 and 8 miles.
Q About how far, 7 or 8 miles the length of it? A Yes sir.
Q Do you know whether they ever had a school house or camp meeting ground they called Peavine? A Yes sir.
Q You have lived in and around that country ever since you can remember have you? A Yes sir.
Q Can you remember anything about a man named Joe Rogers living in that country there? A No sir, I don't.

BY MR. O'HARE:
Q How old did you say you were? A 54.
Q When were you 54? A Last month, the 23rd day of this month.
Q Then you were born in 1861? A 1862.
Q 1861 if you was 54? A 53 then, I was born in 1862.
Q The Civil War commenced in 1860 or 1861, at the beginning of the war you were 8 yearsold? A Yes sir, going on 9.
Q Now what you say as to the fact whether a man named Joe Rogers who died somewhere between 1856 and 1860 might he have lived up in that neighborhood without you knowing it from your own personal knowledge? A He might have but I don't know whether he could or not.
Q You don't mean to say as to your recollection of neighbors in that entire vicinity for miles around back to the time you were 8 years old? A All I know was up and down Peavine Creek there.
Q Is that recollection derived from what you have heard or from your own recollection prior to that time? A From my own recollection, I don't recollect any Rogers.

Q Up to this 1860 you would have been 8 years old? A Yes sir.
Q That is it would have been late in the fall before you were 8 years old? A Yes sir.
Q Now a man who died something before 1860 you would have been less than 8 years old? A Yes sir.
Q Do you mean to say that you can recollect up to the time you were 7 years old, you can recollect the neighbors in that vicinity for a great many miles around that creek, that after nearly 80 years you are able to tell who the neighbors were at the time you were 7 or 8 years old? A I don't recollect anything to tell.
Q You don't recollect who the neighbors were? A No sir, only right up and down Peavine Creek.
Q Who happened to be near neighbors? A Yes sir.
Q And it isn't from anything that you might have derived outside of that is it? A No sir.
Q You never meant to say who lived any place else except your immediate neighbors? A No sir.

BY MR. DAVENPORT:
Q Is there any yoe Rogers place or home known as the yoe Rogers place in that community since you can remember? A No sir.
Q If there is any there you would have known it? A No sir, never heard of it. Not any place going by that name.

W I T N E S S E X C U S E D.

JEFF KETCHER, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is yourname? A Jeff Ketcher.
Q What is your post office? A Stilwell.
Q How long have you lived in the Cherokee Nation? A Born and raised in the Cherokee Nation.
Q What is your age now? A 65.
Q Do you know Watt Whitmire? A Yes sir.
Q How far do you live from wherehe lives now? A Must be 10 miles.
Q Did you live any nearer to the Whitmire neighborhood? A Yes sir.
Q How near did you live there to them? A Three quarters of a mile.
Q Where were they living at the time you lived near them? A On Peavine.
Q Do you know about how long Peavine Creek is? A Yes sir.
Q About how longis it? A It is about 5 miles I reckon from the head of it to the mouth, from where it starts out.
Q You have lived in that part of the Cherokee Nation have you a greater part of your life? A Born and raised on Peavine Creek.
Q Did their ever live, from the time you can remember up to the present time on Peavine Creek, a man named Joe Rogers who was a Cherokee or white man either one? A No sir.
Q Was there ever a farm or home on Peavine Creek known as the Joe Rogers farm or home? A No sir.
Q Did you ever know of any man named Joe Rogers living anywhere in that locality east of Tahlequah around in that country? A No sir I don't remember.
Q You would have remember it when the war broke out, you were 20 or 25 years old? A I was about 18 or 18 years old then.
Q You were old enough to remember the neighbors living on Peavine?
A Yes sir.

BY MR O'HARE:

Q You don't remember any Joe Rogers at all in that country? A No sir.

Q Where was did the you Rogers you know live, if you know any?

A I didn't know any Joe Rogers.

W I T N E S S E X C U S E D.

By agreement between the Attorneys for the applicant and the Cherokee nation, this case will be continued until November 2, 1905.

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George N. Leasley, being first duly sworn, states that he is Stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George N. Leasley

Subscribed and sworn to before me this 1st day of November, 1905.

Edward C. Kirby
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

NOV 27 1905

Commissioner

Cherokee Freedmen Roll.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 16, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of BABY PAINTSILLE ET AL., for enrollment as Cherokee Freedmen.

APPEARANCES:
For Applicants, Hart & O'Hare, by Mr. O'Hare and W. J. Sullivan.
For the Cherokee Nation, James S. Davenport.

This case was set for further hearing on November 2, 1906, and by agreement of the attorneys for the applicants and the Cherokee Nation the same was continued to November 16, 1906, at which time the following proceedings were had.

Mr. Davenport: The representatives of the Cherokee Nation desire to state that the witness, Thomas Rogers, who the Cherokee Nation has been endeavoring to get, was unable to come, but they are ready to go on and take up the case, but will ask the privilege of introducing Mr. Rogers as s on as he is able to travel and come down.

JOHN FRANCIS, being first duly sworn, testified as follows, through interpreter, JESSE McDERMOTT:

BY MR. O'HARE:
Q What is your name? A John Francis.
Q Where do you live? A Eufaula.
Q Are you a Creek citizen? A Yes sir, I am a citizen of the Creek Nation.
Q Do you hold any official position in the Creek Nation now? A Yes sir.
Q What is it? A I am a member of the house of warriors.
Q How long have you lived in the Creek Nation? A I removed here from Alabama when I was a very small boy and then I have been living here continuously since.
Q How old are you? A I don't know how old I am but I was born in 1832.
Q Where were you living just prior to the civil war about 1860?
A I was living about three miles north of here.
Q State whether or not you were acquainted with a man who lived in the Cherokee Nation named Joe Rogers? A Yes sir, I was personally acquainted with him, he used to live near Fort Gibson.
Q Which way from Fort Gibson? A He lived southeast of Fort Gibson.
Q About how far? A About a mile.
Q State whether or not you were intimately acquainted with this Joe Rogers? A Yes sir, I was intimately acquainted with him.
Q State whether or not you were frequently at his house, the place he lived? A I didn't visit him daily but I saw him occasionally.
Q Do you know whether or not he held any slaves at this time prior to the war? A He bought a slave by the name of Jennie Hawkins and took her over in the Cherokee Nation. He might have had some others but I don't know of them.

Q This slave that he got from Hawkins, do you know whether she had any children? A At the time Hawkins bought her she didn't have any children but I think she did later.
Q Do you know whether she had a girl a daughter or not? A She had a daughter.
Q Did you see this daughter of this slave at any time? A At the time that the war broke out I went north but I saw a woman who had returned from the south and she told me that this woman was her mother.

Mr. Davenport: I move to strike out all that part of the testimony that relates to what this woman told him, being incompetent, irrelevant and immaterial.

On Behalf of the Commissioner: The objection will be noted.

Q Do you know the applicant in this case Caney Fairchild, this woman standing here (indicating)? A That is the woman but that is not the name she was known by when I returned from the north.
Q That name was she known by? A I can't recollect her name.
Q Are you positive that this applicant here is the same woman that you saw immediately after the war? A She appears to be the same woman, she has gotten old, I can't hardly tell whether she is the same woman but she appears to be the same.
Q Did you ever hear this slave that he purchased from Hawkins, did you ever hear her called Frances, that Joe Rogers purchased?

Mr. Davenport: I object to that question because it is leading and tends to suggest the answer to this question.

On behalf of the Commissioner? A Objection will be noted.

A Yes sir.
Q That is the woman that Joe Rogers purchased from Hawkins before the war? A Yes sir, at that time they were living across the Arkansas River north of here.
Q Do you know whether or not theplace that Joe Rogers lived on was ever called Peavine? A Yes sir.
Q State whether or not you know what became of Joe Rogers? A I heard he died but I do not know at what place.
Q Are you familiar with the different districts of the Cherokee Nation? A The districtswere laid out after the war but I can not say, I don't know anything about them.

BY MR. DAVENPORT:
Q Where were you living when the war broke out? A I was living north of here about three miles.
Q What age man was Joe Rogers at the breaking out of the war, that you speak of? A I took him to be older than I.
Q What aged woman was this slave that you have told of Joe Rogers buying from Hawkins? A She appeared to be about 20 years old.
Q When was it with reference to the breaking out of the war that Rogers bought this slave from Hawkins? A Possible a year before the war.
Q Where was Hawkins living at the time Rogers bought her fro m him? A He was living near the site of Broken Arrow.
Q What was Hawkins' first name? A Jennie Hawkins was her name.
Q As I understand you the Joe Rogers you are speaking of living about a mile southeast of Fort Gibson, Indian Territory, in the Cherokee Nation? A Yes sir, possible he might have moved after then but I don't know if he did.

Q Where was this Peavine you spoke of with reference to where Joe Rogers lived? A I don't know exactly how far that was but it was in that vicinity.
Q Was it a creek? A It was merely what you might call a dame break or bayou down in there, and that was why they called it Peavine.
Q Was it a creek, a branch or a lake? A It was a slough of a lake and there was a little creek running in there from the east into the Arkansas River.
Q Was that creek, slough or lake called Peavine east or west of where Joe Rogers lived about whom you have spoken? A A little southeast.
Q How far from the bayou southeast of Fort Gibson was this Peavine Creek, slough or branch?

Mr. Sullivan: Objected to, not proper cross-examination. No testimony here that there was a bayou.

On Behalf of the Commissioner: Objection will be noted.

A It was just about a mile or a little over from Fort Gibson.
Q Do you know where the big bayou is out near the old Jack Walker place that runs in down there toward the Arkansas River east of Fort Gibson? A Yes sir.
Q Was this Peavine you have spoken of between this big bayou and Fort Gibson? A The lake or slough that I have reference to was south of Joe Rogers.
Q I am asking you whether it was between Fort Gibson and the big bayou that you just answered you know where it was? A Yes sir, it was between Fort Gibson and the Walker place an little southeast of town.
Q Don't you know the only stream of any kind or character between the Jack Walker place and Fort Gibson is the branch called Four Mile?

Mr. Sullivan: Objected to, not proper cross-examination and argumentative.

On Behalf of the Commissioner: Objection will be noted.

A There is a large creek east of Fort Gibson that runs into the Arkansas River and it was known at that time as Braggs Creek.
Q What kind of a house did Joe Rogers live in at the time he bought this slave? A He was living in a log house.
Q How many rooms? A A double log house.
Q Did you know any of Joe Rogers family? A No sir.
Q Were you ever at Joe Rogers house? A Yes sir.
Q Do you know Mrs. Eliza Andree of Fort Gibson, who was a sister of Joe Rogers? A No sir.
Q How long since you have been to the Joe Rogers place southeast of Fort Gibson thatyou have spoken of? A It is nearly 50 years since I have seen the place where Joe Rogers lived.
Q Have you any personal knowledge of any slave that belonged to Joe Rogers raising a daughter? A No sir, I don't.

BY MR. O'HARE:
Q How far from Grand River was this place of Joe Rogers? A About two miles, he was living in a bottom.
Q Do you remember the fact that this slave Frances that you have mentioned having a family, a child, a daughter? A I didn't know anything about her until she returned from the south and told me that this slave was her mother.

Q [illegible] were talk that then immediately after the war were you? A Yes sir.

Mr. Hargraves: I move to strike that out because that is testimony on behalf of the applicant of her own making and hearsay.

On behalf of the Commissioner: Objection will be noted.

Witness: The answers that I have given are of my own personal knowledge and I am not acting in behalf of either party.

BY MR. HARGRAVES:

Q Did you ever see the slave that you claimed Joe Rogers owned, did you ever see her after the war? A No sir.

ON BEHALF OF THE COMMISSIONER:

Q Did Joe Rogers have any brothers? A There were four who claimed to be brothers of his but I don't know whether they were or not.
Q What their names? A No sir, I don't know their names.
Q Do you know the names of any sisters he had? A No sir.
Q Do you know the name of his father? A I don't know.
Q Do you know the name of his mother? A I don't know her mother.
Q Do you know when Joe Rogers died? A I don't know that.
Q Do you know whether this applicant, Aney Fairchild, is the daughter of Frances Hawkins about whom you have testified? A This woman here just told me she was the daughter of that Frances Hawkins.
Q Can you state of your own knowledge whether she is the daughter of Frances Hawkins? A No sir, I don't know anything about that.
Q Do you know about when this applicant returned to the Cherokee Nation after the war? A She returned about the time that peace was was declared or shortly afterwards.
Q Do you mean the daughter of Frances or this applicant? A This woman here.
Q Did you see here in the Cherokee Nation at that time? A I saw her about ten ~~miles~~ years after that in the Cherokee Nation. The first time I saw her after she returned from the south was down at what they called Northfork Town east of Eufaula.

W I T N E S S E X C U S E D.

AMOS MAYFIELD, being first duly sworn, testified as follows:

BY MR O'HARE:

Q What is your name? A Amos Mayfield.
Q Where do you live? A Down in the Creek Nation about ten miles.
Q How old are you? A It is hard for me to tell it, I must be close on to 60 somewhere near there.
Q Are you a citizen? A Well I have been b t I couldn't say now that I am.
Q Where were you born? A Up in Flint District.
Q In the Cherokee Nation? A Yes sir.
Q Did you live in the Cherokee Nation prior to the war? A Yes sir.
Q Can you state whether or not you were acquainted with a man in the Cherokee Nation named Joe Rogers? A Yes sir.
Q What was your business prior to the war, up to the time of the war? A Stoke boy, driving stock first one place and then another.
Q You were the slave of a man who were a stock man? A Yes sir.

Q [illegible] lived in First District, Cherokee Nation? A Yes sir.
Q And did your husband take you around the country frequently?
A Yes sir, took me down on Illinois, Peoring, down on Lee's Creek, every place.
Q Now this place you call Peoring state whether or not that is where you knew Joe Rogers? A Yes sir, I knowed his name and every thing.
Q State whether or not it was in this locality called Peoring? A I think it was in Peoring that I knowed him and when he lived here either on Grand River on the other side.
Q State whether or not you were at Joe Rogers place? A Yes sir, I have stayed there, stopped over night there a time or two.
Q Was that before the war? A Yes sir.
Q State whether or not you knew of Joe Rogers owning slaves before the war? A I think he had three or four.
Q Did he have any family slaves? A Yes sir.
Q Do you remember the names of any family slave he had? A I remember the name of one principally.
Q What was her name? A Aunt Frances, I think was her name.
Q She was a slave of Joe Rogers? A Yes sir.
Q State whether or not you knew of Frances having any children?
A She did have one little girl that I can recollect.
Q This Frances? A Yes sir.
Q Do you recollect what this girl was called? A I don't recollect her name.
Q Are you acquainted with Nancy Fairchild, the applicant here?
A Yes sir, I was well acquainted with her afterwards.
Q You met her after the war did you? A Yes sir, I met her again after the war at Fort Gibson.
Q State to the best of your knowledge and belief whether she is the same person that you have mentioned as being the little girl up there of this Frances? A Yes sir.
Q You saw this little girl before the war? A Yes sir.
Q At Joe Rogers' place? A Yes sir, with her mother.
Q How long after the war was it before you met this applicant, Mrs. Fairchild? A She was quite a young lady then, I had forgotten about her and by talking with her she made me remember her.
Q And you state she is the same person you knew as a little girl when she was a slave? A Yes sir, that is the same woman.
Q And you remember her now as being the person there before the war? A Yes sir, I remember her.
Q When you saw this woman and her mot her at Joe Rogers place whereabouts did Joe Rogers live? A It is pretty hard for me to tell but it was on account of my being a boy at that time? I don't know whether I could tell that or not.
Q Well how far from Grand River did he live? A I don't know sir just how far, couldn't tell. I might say but that might be wrong.
Q Do you know whether Joe Rogers had any brothers or not? A No sir, I never knew but the one to my knowing.
Q This Joe Rogers that you mentioned was he a maried man? A I think he had a wife.
Q What you mean by wife you mean he had a woman that he lived with?
A Yes sir, he lived with some woman, I wouldn't say a wife cause I don't know.
Q Have you ever seen Joe Rogers since the war? A No sir.
Q Have you ever seen him since the beginning of the war that you remember of? A I seed him when the war was coming up.
Q Where did you go at the beginning of the war? A I went south they carried me south.
Q Your master? A Yes sir.
Q What was your master's name? A I couldn't tell you about the ~~mmmx~~ master, but I will tell you about my mistress, Mrs. Polly Mayfield.
Q You went south with her? A Yes sir.

Q You have never been back there since that time? A No sir.
Q Now there is this locality, or locality or neighborhood that was call Peavine? A Some least, used to go on in east of here, southeast of here but I We way across the other side of Fort Gibson.
Q About how far from Fort Gibson? A I don't know sir just how far it is.
Q Well, just your best judgment? A I don't know whether it is 20 miles, 15 miles or 30.
Q You don't know much about distances? A Not about that distance, we call 100 miles 5 or 6 miles here. Mr. Rogers wasn't Rogers he was Master I didn't call him Mr. Rogers.

BY MR. DAVENPORT:
Q Where were you living when you were living with Mrs. Polly Mayfield
A I was living in Flint District, that is where I was born.
Q That was east of Tahlequah? A Yes sir.
Q And the Peavine you have spoken of was south and east of Polly Mayfield's home, wasn't it? A Yes sir.
Q And in what was known as the Whitmire neighborhood? A Yes sir.
Q And you went south with your mistress, Polly Mayfield? A Yes sir.
Q And she went to Texas? A Yes sir.
Q And she went to Texas in 1852 ten years before the war?

Mr. Sullivan: Objected to, immaterial.

On Behalf of the Commissioner: Objection will be noted.
A At the time that Miss Polly went.

Mr. Sullivan: The Attorneys for the applicant objects to this line of cross-examination for the reason that the witness Amos Mayfield is an applicant Before this Commission for the securing of his rights to enrollment as a Cherokee freedman and this line of questioning is ~~xxxx~~ to our mind for the purpose of having him testify in this case to matters which will be used against him in his own case and as an admission against interest.

Mr. Davenport: In reply to that the ~~xxxx~~ representatives of the Cherokee Nation say that when this witness takes the stand in this case he takes it as anyother witness and is subject to any rules of cross-examination. The question is asked him for the purpose and sole purpose of testing his knowledge to the facts about which he has testified in this case.

Mr. O'Hare: We object to that question for the further reason that it assumes a fact not proven in this case as to the date when Polly Mayfield went couth.

On Behalf of the Commissioner: Objections noted.

A That wasn't in my case I was with Gale Starr at the time Polly carried me----
Q I am asking you about Polly Mayfield? A (No answer).
Q Now where did Joe Rogers live that you have testified about with reference to Polly Mayfield's place in Flint District and how far?
A I was a young lad I couldn't tel you just how far.
Q You were a boy big enough to handle horses and drive stock?
A I couldn't tell you exactly the distance.
Q Did you ever go to the Joe Rogers place? A Yes sir.

Q Do going to the Joe Rogers place did you cross Verdigris River or Bellmeta River? A Both places, I [illegible] many times.
Q I am speaking when you went from Mr Mayfield's place to Joe Rogers' place what river did you cross, if any? A I don't know whether it was a river or creek.
Q You crossed one didn't you? A Yes sir.
Q That river or creek you crossed was a river or creek that runs in a southwesterly direction and come toward Tahlequah? A It may have, I know it run so with.
Q It was east of Tahlequah? A Yes sir, it was east of Tahlequah.
Q It wasn't within a mile of Fort Gibson was it? A No sir, it wasn't.
Q You have been all over this country for years since you came back?
A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Did Joe Rogers have any brothers? A They were some younger fellows that stayed around him but I don't know whether they were his brothers or not.
Q Do you know the name of his father? A No sir.
Q Do you know the name of his mother? A No sir.
Q About how many slaves did he have? A About four they said was his.
Q Did you know any of them besides Frances? A No sir, just that woman, every time I would go we stopped there and I would stay with this old lady and that would be the end of it.
Q Did you ever see any of the children or any of those other slaves besides this one? A I may have seen them, but didn't know them.

Mr. Davenport: The representatives of the Cherokee nation move a the case be continued until December 7, 1905, for the purpose of introducing testimony that they could not procure today as to the residence of Joe Rogers.

By agreement between the Attorneys for applicants and the Attorneys for the Cherokee nation this case will be continued until December 7, 1905, at nine o'clock A. M.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 25th day of November, 1905.

Myron White.

Notary Public.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
DEC 10 1905
COMMISSIONER.

C.F.R. 326

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., DECEMBER 8, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of NANCY FAIRCHILD ET AL., as Cherokee Freedmen.

APPEARANCES:
For Applicants, Hart A. O'Hare, by Mr. O'Hare.
For Cherokee Nation, J. S. Davenport.

The records of this office show that this case was continued from November 16, 1905, to December 7, 1905, but not being reached on December 7 was continued until December 8, 1905, at which time the following proceedings were had:

ELIZA ANDRE, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:
Q What is your name? A Eliza Andre.
Q Where do you live? A Fort Gibson.
Q How long have you lived at Fort Gibson? A Principally all my life.
Q Were you living at Fort Gibson before the war of the rebellion? A Yes sir.
Q Did you know a man named Joe Rogers who lived about a mile south and east of Fort Gibson before the war broke out? A Yes sir.
Q Were you any relation of his? A No sir, he was related to an half brother of mine.
Q Do you know whether or not at the breaking out of the rebellion this man Joe Rogers owned any slaves? A No sir, he didn't own any slaves.
Q How far did he live from Fort Gibson? A I expect he lived about a mile and a half or three quarters from there.
Q Did he live at that distance when the war broke out? A His mother lived there but he himself lived down in the bottom.
Q How far from Fort Gibson? A About a mile or a mile and a half.
Q Did they continue to live there near you at the breaking out of the war? A Yes sir.
Q How old were you at that time? A About 13 years old.
Q Do you know anything about a Creek there in a mile or two of Fort Gibson by the name of Peavine? A No sir, there is no such steam as that.
Q You have lived there all your life? A Yes sir.
Q Have you ever travelled east and south through the country there for 3 or 4 miles? A Yes sir.
Q You have been out as far as the bayou east? A Yes sir.
Q Is there any creek out there south or southeast of Fort Gibson that is known as Peavine? A Not that I know of.
Q Did Joe Rogers die before the war or after the war? A After the war.
Q It is claimed in this case that this man Joe Rogers who lived about a mile south east of Fort Gibson bought a negro woman, Jane Hawkins? A He never owned a negro.
Q You were living near enough to know? A I lived in sight of them all my life.

BY MR. O'BANE:
Q How old are you now? A I am 68.
Q And at the breaking out of the war you would have been 13? A Yes sir.
Q You did you say that you knew a Joe Rogers besides this one that lived close to Fort Gibson? A I knew of another.
Q Where did he live? A Up this side, up the river from Fort Gibson.
Q Then you testified before you said up there near where what they called Ranger Creek 6 or 7 miles from Grand River, between where Ranger Creek empties into Grand River and Fort Gibson?
A On the river just above the old barracks 7 or 8 miles.
Q You have heard of a Joe Rogers that lived up there? A Saw his grave.
Q You didn't know him personally? A No sir, not personally.

Mr. Davenport: I object to that examination, Mrs. Andre was called this time to show whether or not Joe Rogers shown in the testimony taken the last time lived a mile or so south of Fort Gibson.

On Behalf of the Commissioner: Objection noted.

Q This Joe Rogers you xxx knew when did he die, the one you are speaking of? A I don't know just the exact date but he died sometime after the war.
Q After the war or during the war, you say he died during the war?
A After the war.
Q I notice in your testimony taken the last time you were here you said he died during the war, have you a different recollection this time to what you had then? A I guess I just made a mistake in the time because he wa s living after the war, I know I visited my mother and they all lived there in the same house after the war for just a short time.
Q When you were on the stand before the question was asked you, "At the breaking out of the war was he still living", when you said, "He died during the war?" A That was a mistake.
Q It is correct then that he died after the war? A Yes sir.
Q That was the Joe Rogers, half brother to Charlie Rogers? A No sir, not to my brother Charlie.
Q This Joe Rogers here at Fort Gibson? A No sir, he was some distant relation but my brother didn't have any brother.
Q You say you neave heard tttttt that locality called Peavine?
A No sir.
Q Have you ever heard of any locality called Peavine near there?
A No sir.
Q Isn't it a fact that they name those localities , that they called this locality Peavine? A I couldn't say, I never heard it called that.

W I T N E S S E X C U S E D.

McCOY SMITH, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:
Q What is your name? A McCoy Smith.
Q Where do you live now Mr. Smith? A In the Cherokee Nation.
Q What is your post office? A Braggs.
Q How long have you lived there? A 20 years, that is Braggs hasn't been there that long but I have lived there.

Q Where did you live before you moved to that neighborhood? A At Fort Gibson.
Q How long did you live in and around Fort Gibson or near there?
A I lived there from the time I was born until 1868.
Q Did you ever know a man named Joe Rogers who lived south and east of Fort Gibson a mile or so? A Yes sir.
Q Did you know him before the breaking out of the war? A Yes sir.
Q How far did you live from him since you can remember up until the breaking out of the war? A I lived in about a half mile.
Q Did that Joe Rogers own any slaves when the war broke out? A No sir.
Q How far was his place where he lived from Fort Gibson? A Where he lived with his mother, I guess from where Fort Gibson is now it isn't over a mile, but from where the old town used to be it is a mile and a half.
Q When he lived by himself how far was that from Fort Gibson?
A About two miles.
Q Do you know the locality of the little creeks around south and east of Fort Gibson there Mr. Smith? A Yes sir.
Q Do you know of a creek out there south and east of Fort Gibson anywhere near named Peavine? A No sir.
Q Is their any such a creek out there? A No sir.
Q Do you know or have any knowledge of a Peavine Creek anywhere in the Cherokee Nation? A There is one up in Goingsnake.
Q That is east of Tahlequah? A It is a little south east of Tahlequah.
Q About how far is that from Fort Gibson to this Peavine Creek over there? A 30 miles, maybe 35.
Q It is claimed in this case that the Joe Rogers who lived southeast of Fort Gibson bought a negro woman from Jane Hawkins and owned her up to the breaking out of the war, do you know anything about that? A No sir, nothing at all.
Q Did he have a negro woman around his place there? A No sir.
Q To your knowledge he didn't own any slaves at all? A No slaves at all.

BY MR. O'HARE:
Q How old are you? A 55.
Q Then you were born in 1847? A Yes sir.
Q And at the breaking out of the war you were 13 years old? A Yes sir.
Q Did you live with your parents there at Fort Gibson? A Yes sir.
Q Were you engaged in any business to yourself at that time? A No sir.
Q Just stayed at home? A Yes sir.
Q Were you pretty well acquainted with that neighborhood all around there? A Knew everybody.
Q When did you last see this Joe Rogers? A I last saw Joe Rogers in 1868.
Q Then if the Joe Rogers who lives close to Fort Gibson there died during the war, it cannot be the Joe Rogers you are describing?
A No sir.
Q Unless he had a resurrection? A No sir.
Q The one you saw, the Joe Rogers you are describing you saw in 1868? A He was the only Joe Rogers there.
Q If there was a Joe Rogers who lived near Fort Gibson and died during the war, then it isn't the Joe Rogers you mean? A No sir.
Q When did the Joe Rogers die that you knew? A I don't know exactly I saw him last in 1868.
Q But you don't know hos much longer? A Not a great while, I heard of him dying.

Q That was the only Joe Rogers you knew? A That was the only Joe Rogers in the neighborhood. There was a Joe Rogers lived close there.
Q Did this Joe Rogers have any brothers, how many? A John, and Ira were his two brothers.
Q The Joe Rogers you mention never held any slaves? A No sir.
Q How old a man was he? A He must have been 30 odd years old.
Q Something upwards of 30? A Yes sir.
Q And a single man was he? A No he married just about he must have married about 1859.
Q He married them before the war? A Yes sir.
Q And was living there with his mother? A He lived with his mother a year and then moved down in the bottom just about a mile or mile and a half and built him a little cabin there.

ON BEHALF OF THE COMMISSIONER:
Q Was the Joe Rogers about whom you are testifying a Cherokee by blood? A Yes sir.
Q Did you ever know more than one Joe Rogers in the Cherokee Nation? A I knew one since the war but then he was only a little boy, I don't know whether he was a Rogers or not, they called him Joe Rogers, he was a mulatto.
Q Did you ever know a Charlie Rogers in the Cherokee Nation about the time of the war? A Yes sir.
Q Washe a Cherokee? A Yes sir.
Q Whereabouts did he live? A About a mile, not quite a mile.
Q Before the war? A Right there near Fort Gibson, three quarters of a mile I guess from Fort Gibson.
Q Was he any relation to Joe Rogers? A Might have been distant, I don't know.
Q What was the name of the Joe Rogers about whom you are testifying, the name of his father? A Ira.
Q His mother? A Charlotte.
Q Did he have any brothers and sisters? A Yes sir.
Q Name them? A Nancy was the oldest and Emily, John was the next brother, Joe was older than John, and Ira was the youngest. She had another daughter but I wasn't acquainted with her.
Q Did you know any woman named Nancy Fairchild? A No sir, I didn't know her.

BY MR. DAVENPORT:
Q Was the Charlie Rogers you knew any relation to Mrs. Andre who has just testified? A Yes sir, brother.
Q That was the Charlie Rogers that lived near Fort Gibson? A Yes sir, I knew one or two other Charlie but they didn't live there.

W I T N E S S E X C U S E D.

ON BEHALF OF THE COMMISSIONER:
This case will be closed and a decision rendered upon the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 9th day of December, 1905.

Edward Merrick.
Notary Public.

Cherokee Freedman R 226

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy Fairchild, et al., as Cherokee Freedman.

-1-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on May 10, 1902, Nancy Fairchild appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself, her minor children, Fannie and John Fairchild, and her minor grandchild, Admiral D. C. Johnson, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on September 18, 19, and November 22, 1904. The application for the enrollment of the said Admiral D. C. Johnson has been heretofore disposed of and his right to enrollment as a Cherokee Freedman will not be considered in this decision.

The records further show that on June 30, 1905, the Commission to the Five Civilized Tribes rendered its decision herein denying said applicants the right to enrollment as Cherokee Freedmen and that said decision was on said date duly forwarded to the Department. Thereafter, on September 29, 1905 (I.T.D. 9786-1905-1905) the Department remanded said case with instructions to reopen for the introduction of additional evidence to determine definitely whether such a place as Pewvine (near Grand River) Cherokee Nation, was known from 1837 to 1861; whether one Joe Rogers, a Cherokee Indian, owner of slaves lived there prior to 1861; whether the said Joe Rogers had a brother named Charley Rogers, who joined the army during the Civil war, and whether the principal applicant, Nancy Fairchild, was born on Pewvine as claimed. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 26, November 16, and December 6, 1905.

THE EVIDENCE IS [illegible] IN THIS CASE THAT there is a place in the Cherokee Nation known as Peavine, and as known before the war of the rebellion, that said place is north of Stilwell, Cherokee Nation, on a creek known as Peavine Creek, which flows into Barren Fork about eighteen miles east of where Barren Fork flows into the Illinois River, but fails to show that a Cherokee Indian named Joe Rogers, owner of slaves, lived at or near said place prior to the commencement of the Civil War, or that Nancy Fairchild was born in that locality.

The evidence further shows that one Joe Rogers lived in the vicinity of Fort Gibson prior to the commencement of the rebellion, and that the said Joe Rogers was not a slave holder, nor did he have a brother by the name of Charley Rogers at the commencement of the rebellion. The evidence further shows that another Joe Rogers lived, prior to the commencement of the Civil War, on Fourteen Mile Creek, five or six miles from Grand River, who was in his lifetime a slave holder; that this Joe Rogers died a few years before the commencement of the war, and that he was the owner of no slave that could possibly be the principal applicant herein, and that he had no brother by the name of Charley Rogers. The evidence further shows that some twenty or twenty-five miles north of Fourteen Mile Creek there was another Joe Rogers, who was a young man, and was not a slave owner.

The principal applicant herein and the witnesses introduced in her behalf, are positive in their statements that the said Nancy Fairchild was the slave of a Cherokee citizen at the commencement of the rebellion, and that she belonged to Joe Rogers, but they fail to remember other members of the family of Joe Rogers, and locate his home at various places in the Cherokee Nation, separated by a distance of from twenty to forty miles.

In view of the foregoing, it is considered that the evidence fails to show that the principal applicant herein, Nancy Fairchild, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee country, at the commencement of the rebellion; or that she possesses any rights whatever to Cherokee freedman citizenship. Hence, her application for enrollment comes within the rulings of the Department in the cases of Eliza Bryant et al.(I.T.D. 644-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al.(I.T.D. 1470-04),Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), and Moses Ross (I.T.D. 6056-04). Fannie and John Fairchild are children of the said Nancy Fairchild, were born since 1866, and possess no right to enrollment as Cherokee Freedmen other than as descendants of their said mother.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That for the additional reasons set out herein, under the provisions of section twenty-one of the Act of Congress approved June 28,1898(30 Stat.,495), Nancy Fairchild, Fannie Fairchild and John Fairchild, are not entitled to enrollment as Cherokee Freedmen, and that the decision of the Commission to the Five Civilized Tribes rendered June 30, 1905, denying said application, should be and the same is hereby affirmed.

Commissioner

Muskogee, Indian Territory,

this JUN 27 1906

Commissioner Dawes

Dated,

Muskogee, Indian Territory, [illegible], 1904.

Mary Fairchilds,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen, you are advised, that before the Commission can render a final decision in your case it will be necessary that you introduce testimony tending to show that your former owner was a commissioned officer of the Cherokee nation; also further testimony as to the time of your return to the Cherokee Nation after the war of the rebellion, and as to your residence since that time. You are also desired to furnish this Commission with affidavits as to the history of your other children, Fannie and John Fairchilds and Admiral Dewey Johnson.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and give testimony as above indicated.

Respectfully,

Register.

Commissioner in Charge.

Enc. 1 B A

Cherokee Freedmen

R-326.

Muskogee, Indian Territory, July 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Nancy Fairchilds for the enrollment of herself and children as Cherokee freedmen R-326, (old No. Memo.19), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show that the former owner of the applicant was a recognized citizen of the Cherokee Nation; that the applicant returned to the Cherokee Nation within the time provided in the treaty of 1866, and as to his residence since that time.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Muskogee, I. T. Aug 8 1904.

Record of commission to Five Civilized Tribes, copy of testimony in Cherokee Freedmen R 326, Nancy Fairchild, et al

John L. Sieber,
Atty for appts

Cherokee Freedmen
B-[illegible].

Muskogee, Indian Territory, August 9, 1904.

Nancy Fairchilds,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that you introduce testimony tending to show that your former owner was a recognized citizen of the Cherokee Nation, also further testimony as to the time of your return to the Cherokee Nation after the war of the rebellion, and as to your residence since that time.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, September 12, 1904, and give testimony as above indicated.

Respectfully,

Register.

Commissioner in Charge.

Cherokee Freedmen

D-380.

Muskogee, Indian Territory, August 12, 1904.

James Hart,

Attorney for Nancy Fairchilds, et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Nancy Fairchilds for the enrollment of herself and children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the principal applicant's former owner was a recognized citizen of the Cherokee Nation; as to the time of the principal applicant's return to that Nation after the close of the war of the rebellion, and her residence since that time.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, September 12, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D.C.C.

Muskogee, Indian Territory, October 18, 1904.

Fanny Fairchilds,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show that your former owner was a recognized citizen of the Cherokee Nation. Also, further testimony as to the time of your return to the Cherokee Nation after the rebellion, and as to your residence in said Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory at nine o'clock A. M., on Monday, November 14, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Register.

Cherokee Freedmen
Dockets

Muskogee, Indian Territory, October 18, 1904.

James Hart,

Attorney for Nancy Fairchilds, et al.

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Nancy Fairchilds for the enrollment of herself and children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the principal applicant's former owner was a recognized citizen of the Cherokee Nation; as to the time of the principal applicant's return to the Cherokee Nation after the war of the Rebellion, and as to her residence since that time.

The said Nancy Fairchilds has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Register.

SIGNED I. B. Needles.
Commissioner in Charge

November 21, 1904.

Charlotte Potts, et al., Cherokee Freedmen Roll.

November 22, 1904.

Eliza Robinson, Cherokee Freedmen Roll.

Nancy Fairchild, et al., Cherokee Freedmen Roll.

November 19, 1904.

Charley Rowland, et al., Cherokee Freedmen Roll.

Respectfully,

Tams Bixby.

Chairman.

Encl. 00-19.

Copy

Cherokee Freedmen,
Docket.

Muskogee, Indian Territory, December 13, 1904.

James Harris, Attorney for
Nancy Fairchild, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory on November 23, 1904, in the matter of the application for the enrollment of Nancy Fairchild, et al., as Cherokee Freedmen, together with a blank receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

(Signed) Tams Bixby.
Chairman.

Encl. 00-26.

Muskogee, Indian Territory, December 16, 1904.

Hill, Hastings & Rampport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental proceedings in the following Cherokee Freedman Enrollment Cases on the date indicated.

November 16, 1904.

Howard Bushyhead, Cherokee Freedman D-980.

Jackie Ann Workman, et al., Cherokee Freedman D-346.

November 17, 1904.

Martha Washington, Cherokee Freedman R-343.

November 18, 1904.

Eliza A. Arnold, Cherokee Freedman D-74.

Enoksel Graves, Cherokee Freedman D-1121.

John Lynch, Cherokee Freedman D-386.

Mary Gunter, et al., Cherokee Freedman R-166.

George Amos Mayfield, et al., Cherokee Freedman R-5.

November 19, 1904.

Daniel Roach, et al., Cherokee Freedmen 40.

November 21, 1904.

Louis Rogers, et al., Cherokee Freedman R-37.

Kelvina Williams, et al., Cherokee Freedman D-1073.

Calvin Geine, et al., Cherokee Freedman R-179.

COPY

[illegible]

Muskogee, Indian Territory, [illegible] 16, 1[illegible].

James Hart,

Attorney for Nancy Fairchild et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, in the matter of the application for the enrollment of Nancy Fairchild et al., as Cherokee Freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby.

Chairman.

Encls 1-2.

COPY

Cherokee Freedmen

D-368.

Muskogee, Indian Territory, April 28, 1908.

Fannie Fairchild,

Care of Nancy Fairchild,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, Admiral Dewey Johnson, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the paternity of said child.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 4, 1908, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

Respectfully,

SIGNED Tams Bixby
Chairman.

Register

Cherokee Freedman

No. 2.

Muskogee, Indian Territory, April 27, 1908.

James Hart,

Attorney for Fannie Fairchild,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Fannie Fairchild for the enrolment of her minor child, Admiral Dewey Johnson, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the paternity of said child.

The said Fannie Fairchild has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 4, 1908, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

Register

Cherokee Freedmen

E-[illegible]

Muskogee, Indian Territory, April 29, 1905.

Hall, Hastings & Dorsheimer,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of Fannie Fairchild for the enrollment of her minor child, Admiral Dewey Johnson, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the paternity of said child.

The said Fannie Fairchild has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 4, 1905, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the point mentioned.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Cherokee Freedmen

E. [illegible]

Muskogee, Indian Territory, May 9, 1908.

Hart & O'Hare,

Attorneys for Fannie Fairchild, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is hereunto inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on May 4, 1908, in the matter of the application for the enrollment of Admiral D. O. Johnson as a Cherokee freedman, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) T. B. Needles
Commissioner in Charge.

Incl. E-125

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 24, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 24, 1906, granting the application for the enrollment of Admiral D. H. Johnson as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Incl. S-36

Cherokee Freedmen
No. 248.

Muskogee, Indian Territory, June 8, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Nancy Fairchild, et al., as Cherokee freedmen, including the Commission's decision dated June 30, 1905, rejecting said application.

Respectfully,

James Dixby
Chairman.

Incl. 2-14

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
Roll.

Muskogee, Indian Territory, June 30, 1908.

Nancy Fairchild,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, James Hart, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Chairman.

Incl. S-11
Register

Cherokee Freedmen

Case.

Muskogee, Indian Territory, June 30, 1908.

James Hart,

Attorney for Nancy Fairchild, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for the enrollment of Nancy Fairchild, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. 8-12
Register

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen

S-13.

Muskogee, Indian Territory, June 30, 1902.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1902, rejecting the application for the enrollment of Nancy Fairchild, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-13

COPY

Muskogee, Indian Territory, August 20, 1908

The Honorable,

The Secretary of the Interior:

Sir:

This office is in receipt of Departmental letter of August 11, (I.T.D. 9784-1908), requesting to be advised whether or not the name of Nancy Rogers or Nancy Fairchild, appears upon either the Kern-Clifton or Wallace Roll of citizens of the Cherokee Nation. You also request to be furnished a copy of the testimony, or a synopsis thereof, taken by the Kern-Clifton Commission upon the appearance of Nancy Fairchild before said Commission for the enrollment of herself as a Cherokee Freedman, in 1896. You state the same is desired for use in adjudicating the Cherokee Freedman enrollment case of Nancy Fairchild, et al.

In reply you are advised that this office is unable to identify the name of Nancy Rogers or Nancy Fairchild, upon any of the Cherokee tribal rolls in the possession of this office. You are further advised that the records of proceedings had before the Kern-Clifton Commission in the matter

Secretary,

of applications for enrollment as Cherokee freedmen, in 1906, have never been in the possession of this office. This office is informally advised that said records have been abstracted from the Department, and that the Department has no record of their disposition.

Respectfully,

GUFY

James Kirby

Commissioner

Through the

Commissioner of Indian Affairs.

LM:3

(C O P Y)

D. C. [illegible] C.B.
I. T. D. [illegible] I. T. D.

I. H. S. DEPARTMENT OF THE INTERIOR,

WASHINGTON.

September 25, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is remanded to you the record in the matter of the application for the enrollment of Nancy Fairchild et al. as Cherokee freedmen, with instructions to reopen said case for the introduction of additional evidence to determine definitely whether such a place as Peavine (near Grand River), Cherokee Nation, was known from 1857 to 1861, whether one Joe Rogers, a Cherokee Indian owner of slaves, lived there prior to 1861, whether the said Joe Rogers had a brother named Charley Rogers, who joined the army during the civil war, and whether the principal applicant, Nancy Fairchild, nee Rogers, was born at Peavine, Cherokee Nation, as claimed.

You are instructed to request Nancy Fairchild or her attorney to submit, upon the reopening of said case, record evidence, if possible , of her marriage to John Fairchild at Fort Smith, Ark., "in the fall of '66," as claimed. If record evidence of such marriage can not be secured, the testimony of the officiating minister or an eye witness to her marriage should be furnished.

Respectfully
(Signed) THOS RYAN
Acting Secretary

(Land 70113-1905)
Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, October 11, 1906

Nancy Fairchild,

Fort Gibson, Indian Territory.

Dear Madam:

In connection with your application for the enrollment of yourself and children as Cherokee freedmen you are advised that this office is in receipt of departmental letter of September 29, in which said case is remanded to this office with instructions to reopen the same for the introduction of additional evidence to determine definitely whether "such a place as Peavine (near Grand River), Cherokee Nation, was known from 1857 to 1861; whether one Joe Rogers a Cherokee Indian owner of slaves, lived there prior to 1861, whether the said Joe Rogers had a brother named Charley Rogers, who joined the army during the civil war, and whether you were born at Peavine, Cheroke Nation, as claimed."

This office is further directed as follows:

"You are instructed to request Nancy Fairchild or her attorney to submit, upon the reopening of said case, record evidence if possible, of her marriage to John Fairchild at Fort Smith, Ark., 'in the fall of '66', as claimed. If

record evidence of such marriage can not be secured, the testimony of the officiating minister or an eye witness to the marriage should be furnished."

You are therefore, hereby notified to appear before the office of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, October 24, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Commissioner

Register

Cherokee Freedmen
B 9

Muskogee, Indian Territory, October 11, 1905

James Hart,

Attorney for Nancy Fairchild, et al.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of Departmental letter of September 29, 1905, in which the Cherokee Freedmen enrollment case of Nancy Fairchild, et al., is remanded to this office, with instructions to reopen said case for the introduction of certain evidence indicated therein.

You are hereby advised that the principal applicant, Nancy Fairchild, has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A.M. on Thursday, October 26, 1905, and introduce testimony along the lines indicated in the Departmental letter referred to. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony in rebuttal as it desires.

Respectfully,

Commissioner

Incl. B 9

Cherokee Freedmen
B 10

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 21, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of Departmental letter of September 29, 1905, in which the Cherokee freedman enrollment of Nancy Fairchild et al., is remanded to this office, with instructions to reopen said case for the introduction of certain evidence indicated therein.

You are hereby advised that the principal applicant, Nancy Fairchild, has this day been notified to appear before the office of the Commissioner to the Five Civilized Tribes at nine o'clock A.M. on Thursday, October 26, 1905, and introduce testimony along the lines indicated in the Departmental letter referred to. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony in rebuttal as it may desire.

Respectfully,

Commissioner

Incl. B 10

Muskogee, Indian Territory, December 1, 1905.

Ford & Tiffany,
Attorneys for Nancy Fairchild, et al.,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings of October 24, 1905, in the matter of the application for the enrollment as Cherokee freedmen, of Nancy Fairchild, et al.

Respectfully,

Tams Bixby,
Commissioner.

Incl. R-79

Cherokee Freedmen

B-[illegible].

Muskogee, Indian Territory, December 2, 1908.

Nancy Fairchild,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that on motion of the Cherokee Nation, a continuance in the hearing of your Cherokee freedmen enrollment case has been granted, and the case set for hearing at nine o'clock A. M. on Thursday, November 16, 1908, at which time you will be permitted to appear and introduce such further testimony as you desire tending to prove the right to enrollment of yourself and children as Cherokee freedmen.

The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

Respectfully,

COMMISSIONER.

Tams Bixby

Commissioner.

LS
Register

Cherokee Freedmen

R-144.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 8, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Cherokee freedmen enrollment case of Nancy Fairchild, et al., has been set for hearing at nine o'clock A. M., on Thursday, November 16, 1906, at which time Nancy Fairchild has this day been notified that she will be permitted to appear and introduce such testimony as she desires, affecting the right to enrollment of herself and children as Cherokee freedmen.

The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

Respectfully,

Commissioner.

LS

Cherokee Freedmen

S-200.

COPY.

Muskogee, Indian Territory, November 20, 1906.

Hart & O'Hare,

Attorneys for Nancy Fairchild, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings of November 16, 1906, in the matter of the application of Nancy Fairchild, et al., for enrollment as Cherokee freedmen.

Respectfully,

Geo. W. Goodpasture

Acting Commissioner.

Incl. S-214

COPY

Muskogee, Indian Territory, December 16, 1902.

Hart A. Ware,

Attorneys for Nancy Fairchild, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings of December 8, in the matter of the application for the enrollment of Nancy Fairchild, et al.

Respectfully,

Acting Commissioner.

Incl. R-66

Cherokee Freedmen
B-386

Muskogee, Indian Territory, June 27, 1906.

Nancy Fairchild,

Fort Gibson, Indian Territory.

Dear Madam:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, denying your application for the enrollment of yourself and children Fannie and John Fairchild, as Cherokee Freedmen.

There have been furnished your attorneys, Hart and O'Hare, William M. Cravens and W. T. Sullivan, all of Muskogee, Indian Territory, copies of the record of proceedings had in your case and there has this day been forwarded to them copies of Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H.J.-140.
H.J.C.

Tams Bixby.

Register

Commissioner.

Muskogee, Indian Territory, June 27, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Nancy Fairchild, et al., for enrolment as Cherokee Freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Nancy, Fannie and John Fairchild as Cherokee Freedmen.

On September 29, 1905 (I.T.D. 9754, 12096-1905), this case was remanded to this office for further hearing and readjudication.

Respectfully,

Tams Bixby.
Commissioner.

Encl. M.J.-148.
F.J.C.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
D-336

Muskogee, Indian Territory, June 27, 1906.

William M. Cravens,

Attorney for Nancy Fairchild, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Nancy, Fannie and John Fairchild, as Cherokee Freedmen. You have heretofore been furnished a copy of the record of proceedings had in said case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner

Encl. H.J.-142.
H.J.C.

Cherokee Freedmen
R-286

Muskogee, Indian Territory, June 29, 1906

Hart and O'Hare,

Attorneys for Nancy Fairchild, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Nancy, Fannie and John Fairchild, as Cherokee Freedmen. You have heretofore been furnished a copy of the record of proceedings hd in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

Encl. H.J.-141.
H.J.C.

Cherokee Freedmen
R-336

Muskogee, Indian Territory, June 27, 1906.

W. J. Sullivan,

Attorney for Nancy Fairchild, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Nancy, Fannie and John Fairchild, as Cherokee Freedmen. You have heretofore been furnished a copy of the record of proceedings had in said case.

The decision, together with the record of proceedings had in the [redacted] this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED.

Tams Bixby.
Commissioner.

Encl. H.J.-143.
H.J.C.

Cherokee Freedmen
R-686.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 27, 1906.

Bell, Hastings, and Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, denying the application of Nancy, Fannie and John Fairchild for enrollment as Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. N.J.-144.
H.J.C.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. September 1, 1906

Land.
62255-1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith, for Departmental consideration, report of Commissioner Sisby dated June 27, 1906, together with the record in the matter of the application of Nancy Fairchild, et al., for enrollment as Cherokee freedmen.

On May 10, 1902, Nancy Fairchild appeared before the Commission at Muskogee and made application for the enrollment of herself, her minor children, Fannie and John Fairchild, and her minor grandchild, Admiral D. G. Johnson, as Cherokee freedmen. Further proceedings were had in the case at Muskogee on September 15 19 and Nov. 23, 1904.

On June 30, 1905, the Commission rendered its decision herein denying the applicants the right to enrollment as Cherokee freedmen.

The application of Admiral D. G. Johnson having been previously disposed of, was not considered in the Commission's decision.

The decision and record having been duly forwarded, the Department on September 29, 1905 (I.T.D.9754-12096-1905) remanded the case with instructions to reopen for the introduction of additional evidence to determine definitely whether such a

place as Peavine (near Grand River) Cherokee Nation, was known from 1857 to 1861; whether Joe Rogers, a Cherokee Indian, owner of slaves, lived there prior to 1861; whether Joe Rogers had a brother named Charley Rogers, who joined the army during the Civil War, and whether the principal applicant, Nancy Fairchild was born on Peavine, as claimed.

In accordance with such instructions further proceedings were had at Muskogee on October 24, November 16 and December 8, 1906.

It appears that the principal applicant, Nancy Fairchild, contends that she was the slave of a Cherokee citizen at the commencement of the rebellion, and that she was taken out of the Nation during the war, but returned thereto prior to February 11, 1867, and that the applicants, Fannie and John Fairchild, are the children of Nancy Fairchild, were born since 1866, and possess no rights to enrollment as Cherokee freedmen, except as descendants of their mother. The Commissioner reports that none of the applicants can be identified on any rollin the possession of his office.

The record in this case has been carefully examined by this Office and it is found that there is the utmost variance in the testimony as to matters essential to the establishment of the applicants' claim. It is shown, as requested in Departmental letter remanding the case, that there is a place in the Cherokee Nation known as Peavine, and so known before the Civil War; that this place is north of Stillwell, on a creek known as Peavine

creek, which flows into Barren Fork about sixteen miles east of where Barren Fork flows into the Illinois River. It is not satisfactorily shown, however, that an Indian named Joe Rogers, owner of slaves, lived at or near there, prior to the commencement of the Civil War, or that Nancy Fairchild was born in that vicinity. The principal applicant and her witnesses are positive that Nancy Fairchild was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Country at the close of the rebellion, and that she belonged to Joe Rogers, but are unable to remember the names of other members of the family and locate his home at various places separated by a distance of from twenty to forty miles.

Nancy Fairchild testifies that she wasmarried in the fall of 1866, at or near Ft. Smith; that several months later she removed to the Cherokee Nation and lived close to Sandtown and Vian, for about two years; and that she and her husband them removed to Fort Gibson, where she has since continuously resided. The applicant also says that no marriage license was procured and that she was married by a colored preacher named Duncan, who has since died. She says Tobe McIntosh was present at the wedding and he is placed on the stand in her behalf. He testifies that he wassubpoenaed to act as interpreter in Judge Isaac Parker's court in Ft. Smith, and while on hisway, stopped about five miles across the river from Ft. Smith, and witnessed the wedding of theprincipal applicant to John Fairchild. The witness is positive that Judge Parker was sitting at Ft. Smith at that

time, but apparently has no conception of dates or time. It is admitted by counsel for applicants that Judge Parker firstheld court in Ft. Smith, in 1874.

In viewof the foregoing and of the conflicting and unsatisfactory showing made by the principal applicant, this Office is of the opinion that Nancy Fairchild has failed to establish her claim that she was a slave of a Cherokee citizen or a free colored person residing in the Nation at the close of the rebellion; that she returned to the Nation prior to February 11, 1867, or that she possesses any rights whatever to Cherokee freedmen citizenship.

It is therefore recommended that Commissioner Bixby's decision denying the application, be approved. The minors, Fannie and John Fairchild, possessing no rights to enrollment except as descendants of the principal applicant, their application should also be denied.

Very respectfully,

C. F. Larrabee,

A.J.W.-NL

Acting Commissioner.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. December 1, 1906

Land.
60223-1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith, for Departmental consideration, report of Commissioner Bixby dated June 27, 1906, together with the record in the matter of the application of Nancy Fairchild, et al., for enrollment as Cherokee freedmen.

On May 10, 1902, Nancy Fairchild appeared before the Commission at Muskogee and made application for the enrollment of herself, her minor children, Fannie and John Fairchild, and her minor grandchild, Admiral T. G. Johnson, as Cherokee freedmen. Further proceedings were had in the case at Muskogee on September 15 19 and Nov. 23, 1904.

On June 30, 1905, the Commission rendered its decision herein denying the applicants the right to enrollment as Cherokee freedmen.

The application of Admiral T. G. Johnson having been previously disposed of, was not considered in the Commission's decision.

The decision and record having been duly forwarded, the Department on September 29, 1905 (I.T.D.9754-12096-1905) remanded the case with instructions to reopen for the introduction of additional evidence to determine definitely whether such a

place on Peavine (near Grand River) Cherokee Nation, was known from 1871 to 1881; whether one Joe Rogers, a Cherokee Indian, owner of slaves, lived there prior to 1861, whether Joe Rogers had a brother named Charley Rogers, who joined the army during the Civil War and whether the principal applicant, Nancy Fairchild was born on Peavine, as claimed.

In accordance with such instructions further proceedings were had at Muskogee on October 24, November 16 and December 8, 1905.

It appears that the principal applicant, Nancy Fairchild, contends that she was the slave of a Cherokee citizen at the commencement of the rebellion, and that she was taken out of the Nation during the war, but returned thereto prior to February 11, 1867, and that the applicants, Fannie and John Fairchild, are the children of Nancy Fairchild, were born since 1866, and possess no rights to enrollment as Cherokee freedmen, except as descendants of their mother. The Commissioner reports that none of the applicants can be identified on any rollin the possession of his office.

The record in this case has been carefully examined by this Office and it is found that there is the utmost variance in the testimony as to matters essential to the establishment of the applicants' claim. It is shown, as requested in Departmental letter remanding the case, that there is a place in the Cherokee Nation known as Peavine, and so known before the Civil War; that this place is north of Stillwell, on a creek known as Peavine

creek which flows into Barren Fork about eighteen miles east of where Barren Fork flows into the Illinois River. It is not satisfactorily shown, however, that an Indian named Joe Rogers, owner of slaves, lived at or near there, prior to the commencement of the Civil War, or that Nancy Fairchild was born in that vicinity. The principal applicant and her witnesses are positive that Nancy Fairchild was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Country at the close of the rebellion, and that she belonged to Joe Rogers, but are unable to remember the names of other members of the family and locate his home at various places separated by a distance of from twenty to forty miles.

Nancy Fairchild testifies that she wasmarried in the fall of 1866, at or near Ft. Smith; that several months later she removed to the Cherokee Nation and lived close to Sandtwon and Vian, for about two years; and that she and her husband then removed to Fort Gibson, where she has since continuously resided. The applicant also says that no marriage license was procured and that she was married by a colored preacher named Duncan, who has since died. She says Tobe McIntosh was present at the wedding and he is placed on the stand in her behalf. He testifies that he wassubpoenaed to act as interpreter in Judge Isaac Parker's court in Ft. Smith, and while on hisway, stopped about five miles across the river from Ft. Smith, and witnessed the wedding of theprincipal applicant to John Fairchild. The witness is positive that Judge Parker was sitting at Ft. Smith at that

time, but apparently has no conception of dates or time. It is admitted by counsel for applicants that Judge Parker first held court in Ft. Smith, in 1876.

In view of the foregoing and of the conflicting and unsatisfactory showing made by the principal applicant, this Office is of the opinion that Nancy Fairchild has failed to establish her claim that she was a slave of a Cherokee citizen or a free colored person residing in the Nation at the close of the rebellion; that she returned to the Nation prior to February 11, 1867, or that she possesses any rights whatever to Cherokee freedmen citizenship.

It is therefore recommended that Commissioner Mixby's decision denying the application, be approved. The minors, Fannie and John Fairchild, possessing no rights to enrollment except as descendants of the principal applicant, their application should also be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

A.J.W.-NL

Cherokee Freedmen
N 846

Muskogee, Indian Territory, December 9, 1908

Henry Fairchild,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of November 14, relative to your Cherokee freedman enrollment case.

In reply you are advised that the records of this office show that on June 27, 1906, the record in this case, together with the decision of the Commissioner to the Five Civilized Tribes rejecting your application for enrollment, was forwarded to the Secretary of the Interior for his review and decision. You will be duly notified of any action taken by the Department in your case when this office is informed of the same.

Respectfully,

L M B

Commissioner

D.C. [illegible] W.D.K. [illegible]

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. [illegible]-1906.
[illegible]-1907.
[illegible]-1907.
[illegible]-1907.
[illegible]-1907.
DIRECT

March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.	Date of your letter of transmittal.
Nancy Fairchild, et al. (freedmen),	June 27, 1906.
Elizabeth Lawrence (by intermarriage),	February 20, 1907.
(Easter Jones, et al. (freedmen),	February 27, 1907.
(Emily Lowery, et al. (freedmen),	February 28, 1907.
(Elias Vann (freedman),	February 28, 1907.
(Bernice Hawkins (freedman),	February 28, 1907.
John J. Harrison, et al. (as citizens),	February 26, 1907.

A copy hereof and all the papers in the abovementioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

4 enclosures, and
15 enclosures to Ind. Of.,
with copy hereof.

MoM 3-5-07

Cherokee F.
S 244.

Muskogee, Indian Territory, March 22, 1907.

Fanny Fairchild,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application for the enrollment of yourself and others, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

Tams Bixby.

Commissioner.

LWC

Cherokee F.
S 888.

Muskogee, Indian Territory, March 21, 1907.

W. F. Sullivan,

Attorney for Nancy Fairchild,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application for the enrollment of Nancy Fairchild, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.C-61
LMC

Cherokee?
R 366.

Muskogee, Indian Territory, March 28, 1907.

Wm B. Greenes,

Attorney for Nancy Fairchild,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application for the enrollment of Nancy Fairchild, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-60.
LMC

Commissioner.

Cherokee F.
R 116.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application for the enrollment of Nancy Fairchild, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-66
LMC

Commissioner.

JK 391

SUBPOENA

[illegible]

[illegible]

[illegible]

[illegible]

To Thomas L. Rogers, Pawhuska, Oklahoma.

You are hereby summoned to appear before the Commissioners to the Five Civilized Tribes at Muskogee, Indian Territory, on the 7 day of December, 1908, to testify before said Commissioners in the matter of the application of Nancy Fairchild, et al., for enrollment as Cherokee freedmen, Cherokee Freedmen R-326.

Dated at Muskogee, Ind. Ter., this 1st day of December, 1908.

(Signed) Wm. R. Reid
Clerk, Commission.

Muskogee Indian Territory [redacted]

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

THERE one copy of the testimony in Supplemental Pleading

In matter of application for enrollment of Nancy Fairchild and her children as Choctaw Freedmen

James Hart
ATTORNEY FOR APPLICANT.

Cher Fr R 327

Trans from Cher Fr Memo No. 20

Cher Fr R 327

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 15, 1906.

In the matter of the application of Susan Franklin for the enrollment of herself as a Cherokee Freedman. The said Susan Franklin, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Susan Franklin.
Q How old are you? A Well I don't know my age exactly.
Q Well about how old? A Oh I reckon about fifty.
Q What is your postoffice address? A In Texas.
Q What is the name of the town? A Denison.
Q You apply for enrollment as a Cherokee Freedman, do you? A Yes, sir.
Q You apply for anyone besides yourself? A Yes, sir, there was some grandchildren and my own.
Q How old is your son? A Well he is about twenty.
Q He is married? A Yes, sir.
Q Well he'll have to apply for himself; have you got any children under twenty-one years of age and unmarried? A No, sir, got one married, my son's married, he's married.
Q Are your children married? A Yes, sir.
Q You have no children that aren't? A I have two grandchildren.
Q They are living with their parents? A Live with me.
Q Well are their parents living? A Yes, sir.
Q Well they will have to apply for them then. What's the name of your father? A Johnson Ratliff.
Q He is dead, is he? A He's dead, yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q What's the name of your mother? A Vinie Ratliff.
Q Is she dead? A Yes, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Who did she belong to? A Belonged to Ratliff up I believe on the bank of the Illinois River, a man by the name of Bill Bean -
Q Was he a white man? A He was a white man, his family were Indians.
Q Did you leave the Cherokee Nation at the outbreak of the war? A Yes, sir. I was freed; they taken me out in Texas.
Q When did you leave the Cherokee Nation, before the war? A No, sir.
Q After the war? A Yes, sir.
Q How long after the war? A Well I reckon about three years.
Q About three years after the war? A Yes, sir.
Q Were you born in the Cherokee Nation? A Born in the Cherokee Nation.
Q Did you live here all the time up until about three years after the close of the war? A Yes, sir.
Q Had you ever been out before that? A I never had been out before that, before the white folks taken me out.
Q And three years after the war you were taken to Texas? A Taken to Texas and have lived there ever since.
Q You have never drawn any money from the Cherokees? A Never drawn any.

The tribal rolls of the Cherokee Nation examined and the name of the applicant does not appear thereon; neither does it appear that she was ever admitted to citizenship in the Cherokee Nation by the tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court on appeal.

Susan Franklin applies for the enrollment of herself as a Cherokee Freedman. She is not identified upon any of the tribal rolls of the Cherokee Nation now in the possession of the Commission; neither does it appear that she was ever admitted to citizenship in the Cherokee Nation by the tribal authorities. This application comes within the provisions of the temporary injunction recently granted by the Judge of the United States Court for the Northern District of the Indian Territory, and under the provisions of said injunction this Commis-

[illegible] authority to list the witnesses for enrollment, and respectively the enrollment roll, also notice for the enrollment of [illegible] as a citizen Chickasaw will be listed for protestant.

Arthur C. Spurlock, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of May, 1908.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 1 1902

Acting Chairman

DEPARTMENT OF THE INTERIOR

CHEROKEE FREEDMEN

Date 5/23/12

Post office Bryson, Okla.

District

1. Name Age

Father's name Citizenship

Year Page No. Dawes

Parents

Father Citizenship

Mother Citizenship

2. Name of wife Lucinda Hopkins Age 50

Census name Lucy Crow Citizenship Indian.

Year Page No. Dawes

Parents

Father Citizenship Creek

Mother Citizenship

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

Freedmen Enrollment Case

Department D-167.

Enrollment of the Eastern
Cherokees to the Five Civilized Tribes.

In the matter of the application for the enrollment of Susan Franklin as a Cherokee Freedman.

DECISION.

The record herein shows that on May 12, 1902, Susan Franklin appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself as a Cherokee Freedman.

The evidence shows that the applicant herein was a slave at the commencement of the war of the rebellion; that she was born in the Cherokee Nation and resided therein until some time between the years 1866 and 1870, when she was taken to Texas, and has since continuously resided therein. The applicant can not be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Susan Franklin as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this AUG 25 1904

Cherokee Freedmen
I Ind

Muskogee, Indian Territory, August 26, 1904.

Susan Franklin,

Denison, Texas.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated August 25, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Chairman.

Encl. V-34

Register.

Cherokee Freedmen
I Def

Muskogee, Indian Territory, August 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Susan Franklin as a Cherokee freedman, together with the Commission's decision dated August 25, 1906, rejecting said application.

Respectfully,

Tams Bixby.
Chairman.

Encl. V-36

Through the
Commissioner of Indian Affairs.

Cherokee Freedman
R 347

Muskogee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, rejecting the application for the enrollment of Susan Franklin as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. V-35

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 28, 1904, transmitting the record of the application of Susan Franklin for enrollment as a Cherokee Freedman.

August 28, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion and resided therein until about the year 1866, when she removed to the State of Texas and has resided there continuously since. Her name is not identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W.A.Jones
Commissioner

M.M.M.
W

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

October 8, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 24, 1904, you transmitted the record in the matter of the application for the enrollment of Susan Franklin as a Cherokee freedman, including your decision of August 18, 1904, rejecting said application.

Reporting in the matter September 9, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

Cherokee Freedmen.
D-247.

Muskogee, Indian Territory, October 28, 1904.

Susan Franklin,

Bonham, Texas.

Dear Madam:

You are hereby advised that the Commission's decision, dated August 25, 1904, rejecting your application for enrollment as a Cherokee freedman, was approved by the Secretary of the Interior on October 3, 1904.

Respectfully,

Tams Bixby.
Chairman.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
D-147

Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings and Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated August 25, 1904, rejecting the application for the enrollment of Susan Franklin as a Cherokee freedman, was approved by the Secretary of the Interior on October 3, 1904.

Respectfully,

Chairman.

Cherokee Freedman

R-287.

Muskogee, Indian Territory, November 8, 1904.

Susan Franklin,

Bonham, Texas.

Dear Madam:

The Commission is in receipt of your letter of November 1, asking that you be given an opportunity to introduce further testimony in the matter of your application for enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision in this case, rejecting your said application, has been approved by the Secretary of the Interior, and this Commission is now without authority to act in the matter. Any further proceedings had in the case will have to be taken up with the Secretary of the Interior.

Respectfully,

(SIGNED). Tams Dixby.
Chairman.

Cherokee Freedmen
A 347

Muskogee, Indian Territory, January 9, 1905

Dear Franklin,

Nashua, Texas.

Dear Madam:

The Commission is in receipt of your letter of December 27, 1904, relative to your enrollment as a Cherokee Freedman.

In reply you are advised that the Commission's decision dated August 25, 1904, rejecting your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on October 3, 1904, of which action you were advised on October 25, 1904. You are further advised that the Commission is without authority to take any further action in the matter of your said application.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Cher Fr R 328

Trans from Cher Fr Memo No. 21

See Cher Fr R 329

Cher Fr R 328

CFR-928 Z7M21

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Orrena Williams for the enrollment of herself and children as Cherokee Freedmen. The said Orrena Williams, being first duly sworn, testified as follows:

Examination by Commission.

Q What is your name? A Orrena Williams.
Q How old are you? A I am 44.
Q What is your postoffice address? A Checotah.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.
Q Do you apply for any one besides yourself? A Five children.
Q What is the name of your eldest child? A Willie Williams.
Q How old is he? A He is 18 years old.
Q Next child? A Anna Williams.
Q How old is she? A She is 17.
Q Next child? A Alonzo.
Q How old is he? A He is 16.
Q Next child? A Arlesta.
Q How old is that child? A She is 11.
Q Next child? A Eugene Williams.
Q How old? A He is 8.
Q Next child? A That's all.
Q These children all living? A Yes, sir.
Q Who is their father? A Their father is John Williams.
Q Is he living? A Yes, sir.
Q What is he, a state man? A He is a state man.
Q Never been recognized as a citizen? A No, sir.
Q Have you ever drawn any money from the tribal authorities of the Cherokee Nation? A No, sir.
Q Have you ever drawn any for your children? A No.
Q What is the name of your father? A My father was Henry Harlan.
Q Is he living or dead? A He's dead.
Q What is the name of your mother? A My mother was Emma Harlan.
Q She living or dead? A She's dead.

Tribal rolls of the Cherokee Nation examined, and neither the applicant nor any of her children are identified thereon.

Orrena Williams applies for the enrollment of herself and her children, Willie Williams, Anna Williams, Alonzo Williams, Arlesta Williams and Eugene Williams, as Cherokee Freedmen. Neither the applicant nor her children are identified upon any of the tribal rolls of the Cherokee Nation now in the possession of the Commission. The applicant avers that neither she nor her children have ever been recognized by the tribal authorities as citizens. This application comes within the provision of the temporary injunction recently granted by the judge of the United States Court for the Northern District of the Indian Territory. Consequently, the application which she makes for the enrollment of herself and children as Cherokee Freedmen will be listed for rejection.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 19th day of May, 1902.

P. P. Rutter

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 28 1902
Acting Chairman

CHEROKEE FREEDMEN

Name 3137 Dwight, I.T.

Post Office

District

1. Name Age

Chapter or number Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

2. Name of wife Dorcas Williams Age

Chapter or number Citizenship

Year Page No. District

Parents

Father Citizenship

Mother " Citizenship

Name of husband

3. Willie Williams Year Page No. Dist.

4. Anna " Year Page No. Dist.

5. Alonzo " Year Page No. Dist.

6. Celesta " Year Page No. Dist.

7. Eugene " Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

N.F.R. 835-9

In re
Application for Enrollment of
INFANT CHILD
Willie Delaware
as a citizen of
Cherokee Nation

Approved June 16 1904
T. M. Needles
Commissioner

Filed
Aug-17-1904
Commission to Five
Tribes

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the application for enrollment as a citizen of the Cherokee Nation, of Willie Williams, 12th day of May, 1894, son of John Williams, a citizen of the United States, and Irena Williams, a citizen of the Cherokee Nation, residence Checotah, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Irena Williams, on oath state that I am forty-three years of age and a citizen by being a freedman of the Cherokee Nation; that I am the lawful wife of John Williams, who is a citizen, by birth of the United States Nation; that a male child was born to me on 12th day of May, 1894; that said child has been named Willie Williams and is now living. There was no attending physician; The midwife was Sarah Ross, a colored woman, now dead.

Irena Williams

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 13th day of August, 1904.

Revel Haskell Jr.
Notary Public.

My commission expires May 19-1908

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... DISTRICT.

I, ..., ..., a ....., on oath state that I attended on Mrs. ....., wife of ..... on the ..... day of ....., 1..... ; that there was born to her on said date a ..... (Male or Female.) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this ..... day of ....., 190 .....

Notary Public.

G.E.F. - 828 - 9

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

[illegible] Nation

Approved [illegible] 190 4

[illegible]

Filed
May 17 - 1904
Commission to Five Tribes

THE DEPARTMENT OF THE INTERIOR.

CERTIFICATE TO THE FIVE CIVILIZED TRIBES.

[illegible] Cherokee

[illegible] Anna Williams [illegible] November 1883

[illegible] John Williams [illegible] United States

[illegible] Arena Williams [illegible] Cherokee Nation

[illegible] Cherokee Indian Freedmen

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, Arena Williams, on oath state that I am forty three years of age and a citizen by blood a Freedman of the Cherokee Nation; that I am the lawful wife of John Williams who is a citizen, by birth of the United States Nation, that a female child was born to me on the 29th day of November 1883; that said child has been named Anna Williams and is now living; there was no attending physician; the midwife was Sarah Ruiz a colored woman, now dead.

Arena Williams

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 3 day of August 1904.

Ciel Haskell Jr.
Notary Public.

My Commission expires May 19-1908.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... DISTRICT.

I, ..., a ....., on oath state that I attended, on Mrs. ....., wife of ....., on the ..... day of ....., 1 ....; that there was born to her on said date a ..... (White or Female.) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK: .....

(Must be Two Witnesses)

Subscribed and sworn to before me this ..... day of ....., 190 ....

.....
Notary Public.

D-R-926-9

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

[illegible] Nation

Affidavit [illegible] 190[illegible]

[illegible] Commissioner

Filed

May. 17. 1904

Commissioner to Five Tribes

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the application for enrollment, as a member of the Cherokee Nation, of Alonzo Williams, born 28th March 1897, father John Williams, United States, mother Lena Williams, citizen Cherokee, Tahlequah, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Cherokee District:

I, Lena Williams, on oath state that I am forty three years of age and a citizen by being a Freedman of the Cherokee Nation; that I am the lawful wife of John Williams, who is a citizen, by birth of the United States, Nation, that a male child was born to me on 28th day of March 1897, that said child has been named Alonzo Williams and is now living. There was no attending physician; the midwife was Sarah Ross, a colored woman, now dead.

Lena Williams

WITNESSES TO MARK.

(Must be Two Witnesses)

Subscribed and sworn to before me this 13 day of August, 1904.

My Commission expires May 19th 1908.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... DISTRICT.

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ..... on the ..... day of ....., 1..... ; that there was born to her on said date a ..... (White or Freedman.) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK: .....

(Must be Two Witnesses) .....

Subscribed and sworn to before me this ..... day of ....., 190.....

.....

Notary Public.

L.T.R. 528-9

IN RE
Application for Enrollment of
INFANT CHILD
Estella Williams
as a citizen of
Choctaw Nation

Approved Aug - 6 - 1904
T. B. Needles
Commissioner

Filed
Aug - 5 - 1904.
Commission to Five Tribes.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the application for enrollment as a citizen of the Cherokee Nation of Arlecta Williams born on the 13th day of August 1901 Father's name John Williams a citizen of the United States Mother's name Arena Williams a citizen of the Cherokee Nation Muskogee, Indian Territory

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, Arena Williams on oath state that I am Sixty three years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of John Williams who is a citizen, by birth of the United States; that a female child was born to me on 13th day of August, 1901; that said child has been named Arlecta Williams and is now living. There was no attending physician. The midwife was Sarah Ross a colored woman, now dead.

Arena Williams

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 13th day of August, 1907.

Revel Blackell Jr.
Notary Public.

My commission expires May 19th-1908.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... DISTRICT.

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ....., on the ..... day of ....., 1 ..... ; that there was born to her on said date a ..... (Male or Female.) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this ..... day of ....., 190 .....

Notary Public.

[illegible]-325-9

Form 68

Application for Enrollment of

INFANT CHILD

[illegible]

by a citizen of

[illegible] Nation

[illegible]

Filed

May - 17 - 1909

[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the application for enrollment as a citizen of the Cherokee Nation, of Eugene Williams 7th on May 1894 son of John Williams a United States citizen and Lena Williams a Cherokee by blood and Choctaw Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Tahlequah DISTRICT }

I, Lena Williams, on oath state that I am forty three years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of John Williams who is a citizen, by birth of the United States Nation; that a male child was born to me on 17th day of May 1894; that said child has been named Eugene Williams and is now living. There was no attending physician; the midwife was Sarah Ross, deceased; was dead.

Lena Williams

WITNESSES TO MARK:

(Must be Two Witnesses) }

Subscribed and sworn to before me this 13" day of August, 1904.

Revel Haskell Jr.
Notary Public.

My Commission Expires May 19" - 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... DISTRICT. }

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ..... on the ..... day of ....., 1 ....; that there was born to her on said date a ..... (Male or Female.) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK: .....

(Must be Two Witnesses) }

Subscribed and sworn to before me this ..... day of ....., 190 ....

.....
Notary Public.

FILED
JAN 17 1905
COMMISSION TO FIVE TRIBES

Cherokee Freedmen S 1004-0

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, Aug. 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ORRENA WILLIAMS, ET AL., as Cherokee freedmen.

APPEARANCES:

Applicants appear in person and by attorney, Grant Foreman.
Cherokee Nation by its representative, W. W. Hastings.

JERRY MARTIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jerry Martin.
Q How old are you? About 54 or '5 to the best of my judgment.
Q What is your postoffice address? A Okmulgee.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the principal applicants in this case, Orrena Williams and Frank Martin? A Yes, sir.
Q When did you first get acquainted with them? A I couldn't tell you; it has been a good while.
Q About how long ago? A They were small boys; Orrena was a little girl.
Q Before the war? A No, sir.
Q After the war? A Yes, sir.
Q What relation are they to each other? A Sisters I guess they are; they are sisters and brothers, children of Henry Wilson's; Henry Martin belonged to the Wilson's.
Q How long after the war was it when you first got acquainted with them? A This little girl was a little bit of a thing, and I couldn't say it was his child, but he claimed it was his child just right after the war.
Q Was the father of these people, Frank Martin and Orrena Williams, a Cherokee freedman, do you know? A Before the war he belonged to Miss Isabella.
Q Isabella who? A Wilson.
Q Was she a Cherokee citizen by blood of the Cherokee Nation?
A Yes, sir.
Q Do you know who was their mother? A I couldn't tell you.
Q You don't know whether she was a slave or not? A I couldn't tell you.
Q Where were these applicants living when you first knew them after the war? A The girl was up on Grand river a piece, and the boy I saw him all around, at Tahlequah, and around.
Q Do you know how long after the war that was? A I can't exactly give you the exact date.
Q Was it a year or five years or fifteen years? A It wasn't fifteen years.
Q Was it ten? A After the war?
Q Yes. A Less than that.
Q Five years after the war? A To the best of my judgment it was about ~~[illegible]~~ that.
Q Do you know where they have continued to live since that time?
A They was just rambling about in the Nation here, and I expect out of the Nation; I couldn't just tell where the home was in the Nation and out of the Nation to the best of my judgment.

Q Did their father go out of the Cherokee Nation at the commencement of the war? A His mistress took him off.
Q Where to? A I didn't go; I can tell you where she said.
Q You needn't tell that.
Q When did you first see him in the Cherokee Nation after the war? A '66.
Q What time? A Either in the spring or in the summer, right at Gibson.
Q Fort Gibson? A Yes, sir.
Q Was he living there? A He came to Gibson and me and him went up Grand river together.
Q Do you know who he came back to the Cherokee Nation with? A No, sir.
Q Do you know whether he continued to live in the Cherokee Nation from that time until he died? A I couldn't tell you that at all. I went off and listed in the army.

By Mr. Foreman:
Q When did you first see this child, Orrena Williams? A She was a little bit of a child.
Q When did you first see her? A It was up the river there, I think in Saline district.
Q Was that when you first saw her father, was it the same time? A It was a few days afterwards.
Q That was directly after his return from where he went during the war? A Yes, sir. This was his child, he claimed it was his child, and I give him 25 cents to get some bread.
Q Do you know when Orrena Wilson's father left the Cherokee Nation, when did he go away? A I couldn't tell you that; I was in the Army, but when I saw him again I saw him in the Cherokee Nation and have been seeing him on up until he died in the Cherokee Nation.

By Mr. Hastings:
Q Where did you see him before the war, Jerry? A Who?
Q The father of these applicants? A Saline district.
Q Before the war? A He is aunt Lucinda's child.
Q How long before the war was it that you saw him? A I just could not tell you that.
Q As much as ten years before the war? A I don't think it was, but I couldn't tell you.
Q Don't you know that this man was taken to Texas by his owner years before the war and was living there when the war came up? A I know they went there.
Q Years before the war came up? A No, sir, I don't know about that.
Q As much as 10 or 15 years? A I know they got away from here.
Q How long was it before the war that you last saw Henry Wilson in the Cherokee Nation? A I couldn't tell you.
Q Haven't you any idea? A I just couldn't tell you, I had no chance to know these things.
Q Do you know what this year is? A Yes, sir, I do.
Q Do you know what year the war came up? A It come up in '61.
Q Don't you know how long before that it had been since you saw Henry Wilson? A I have told you I don't know, not exactly.
Q About how long? A If I use about I might use hearsay.

By the Commission:
Q As to your best knowledge? A Well, four or five years.

By Mr. Hastings:
Q It had been four or five years since you had seen him? A It may have been.

Q Will you answer positively that you had never been in town years before the war? A I wouldn't answer that before I came here, I have got to have my recollections to what I answer to, I was small.
Q How old are you now? A I am in 60, maybe 57 or 58, I won't tell and be positive to it.
Q Do you know about how old Henry Wilson was when the war came up? A No, sir, he was older than I was.
Q You say Orrena Williams was here after the war? A I don't know, she couldn't have been, I think in time of the war from the best of my knowledge.
Q What was her mother's name? A I just stated that I didn't know her mother.
Q Didn't know her mother? A Her mother was in Texas, I wasn't there.
Q Was Orrena born in Texas? A When I saw her she was a child, like that.
Q You make her two or three years? A Well I don't know.
Q About how old was she when you first saw her? A I didn't ask.
Q And you formed no idea? A I expect may be two, maybe older.
Q That is the best of your judgment, about two years old? A Yes, sir.
Q Just beginning to talk? A I didn't talk to her.
Q You never heard her talk any? A No, sir.
Q You never heard her talk to her father any? A I went where she was and went on about my business.
Q Where was her mother? A I don't know, he said she died in Texas. I don't know.
Q Is this Frank Marlin a brother of Orrena? A I never was in Texas.
Q Is he or do you know? A I know one thing, Henry Marlin claims them as his child and Frank was Henry Marlin's child, and Frank was, but I don't know about the mothers.
Q And she died in Texas? A Thats what he said.
Q He said their mother died in Texas? A Yes, sir.

Mr. Foreman: We object to that as hearsay.
Commission: Objection noted.
Q That is what the father told you? A He said it was his child.
Q You said that Henry Wilson, the father of Orrena Williams and Frank Marlin, when you first saw him after the war, had this girl with him and he told you that the girls mother was dead, and that she died in Texas, is that true?

Mr. Foreman: We object to that.
Commission: Objection noted.
A Henry Wilson told me that Frank's mother died in Texas.
Q Did he tell you that when you first saw him there with these children after the war? A I didn't make any in quiry and since that time I learned these things.
Q You saw him with this baby girl after the war, didn't you? A I went with him to the house where the child was.
Q At whose house? A A woman by the name of Mahaley.
Q Mahaley is dead? A Yes, sir, I can take you to her grave.
Q There you found Orrena? A Yes, sir.
Q Did you find Frank? A No, sir.
Q Where was Frank then? A I didn't say I saw Frank at the close of the war.
Q You didn't say that? A I said some years after the war.
Q Where did you live at that time? A How could I see Frank before he was born?
Q Then Henry must have gone back to Texas? A I told you I listed
Q Where did you join the Army? A Here at Gibson.
Q How long did you see Henry Wilson around Gibson? A I worked at the Butler store and Henry Wilson was there and that Spring or along in the summer when the water got so we could travel we went off, went up Grand river, in '66.
Q Spring of '66? A Yes, sir.

Q How long after that till you saw him again? A I went into the Army and stayed 17 years.
Q And you never saw him for 17 years? A When I came home I saw him.
Q Did you see him for 17 years after you went up on Grand river? A How could I?
Q Did you? A I did not.
Q Then after the spring of 1866 you never saw Henry Wilson for 17 years, is that correct? A For 18 years.
Q You said 17 years? A Three enlistments of five years each, 18 years.
Q You never saw him for 18 years then? A No, sir.
Q You never saw the girl for 18 years? A I couldn't.
Q You didn't did you? A No, sir.
Q That was 18 years from the spring of 1866? A Yes, sir.
Q Now, where did you see Frank Harlan? A Saw him all about.
Q Who was he with? A Lad of a boy, running about.
Q Who was with him? A Himself and sometimes at his father's.
Q When did you see him at his father's? A When he was a small boy.
Q Five or six years after the war? A He wasn't born; he aint no 40 years old.
Q When did you see him at his father's after the war, about how long after the war? A He was a good big boy.
Q The best of your judgment about how long after the war was it that you saw this Frank Harlan at his father's house in the Cherokee Nation? A That is hard for me to tell.
Q Give us your best judgment? A About 17 years.
Q That is the first time you saw him after the war? A Yes, sir.
Q That is your best judgment? A Yes, sir.
Q You don't know where he was born? A No, sir, I don't know.
Q You don't know who Henry Wilson come here with? A No, sir.
Q You don't know who brought him back here? A No, sir.
Q You didn't see Orrena Williams' mother here at all? A No, sir.
Q Never did see her? A No, sir.
Q Did he tell you at the time you saw Orrena Williams in the spring of 1866, where Orrena's mother was? A No, sir.
Q You didn't see her? A No, sir, I didn't, didn't know her.
Q You didn't talk with him about where her mother was? A No, sir.
Q Never heard him say? A No, sir.
Q Orrena was about two years old then? A Yes, sir, I reckon.
Q That is your best judgment? A Yes, sir, he says, "Give me two bits to get my baby some bread," and I give it to him, and I listed and went to the Army and I have told you the truth.
Q But you never saw Frank at all until about 17 years after the war? A That is my best judgment.
Q Did Frank ever tell you where he was born? A I didn't ask.
Q You say Orrena was born during the war? A I said I reckon, I don't know.

COLUMBUS McNAIR, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Columbus McNair.
Q How old are you? A 55.
Q What is your postoffice address? A Vinita.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, Orrena Williams and Frank Harlan? A Yes, sir, I have met the lady, met her when she was small.
Q Do you know Frank Harlan? A Been with him a few times.
Q When did you first meet these people? A I saw her in the State of Texas, when she was small.
Q When was that? A During the war.
Q During the Civil War? A Yes, sir.

Q About how old was she then? A I don't know exactly, small
Q Two years old or 12 years old? A I couldn't say.
Q To the best of your knowledge? A I couldn't say to the best of my knowledge.
Q Can you give an idea? A No, sir, I couldn't.
Q Do you think she was a hundred years old? A No, sir, I think not.
Q Two years old? A Yes, sir, maybe older, I couldn't say.
Q Was she grown? A No, sir, she wasn't grown.
Q How old are you now? A I am 66.
Q Do you think she was older than you? A No! sir.
Q Was she about your age? A I don't know.
Q Do you know anything about this case? A Yes, sir, I know the parties; I knowed her father; I met him in Texas.
Q Who is the father of these people? A Henry Wilson.
Q Was he the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did he belong to? A First to Frank Thompson. His daughter married a man by the name of Wilson.
Q When did you first see these people in the Cherokee Nation after the war? A I couldn't remember what year it was; several years after the war, though, I met them.
Q Where were they living then? A No certain place, just travelling around.
Q Has she got any children? A I don't know.
Q Has Frank? A I don't know.
Q Do you know where they live now? A No, sir, I don't.
Q Do you know where they came to when they first came to the Cherokee Nation after the war? A I don't know.
Q Was Frank born in Texas? A I don't know.
Q How old is he now? A I don't know.
Q Was Frank born before the war? A I don't know.
Q Was Orrena born before the war? A I reckon about the time of the war.
Q But you don't know? A I went to Texas in '62, and she was born when I got there.

By Mr. Foreman:
Q Did you know the father of Orrena Williams before the war? A I know him in time of the war.
Q Did you know him before the war? A No, sir, I don't know him until I went to Texas.
Q Where did you go to Texas from? A From the Cherokee Nation.
Q Where did you live then? A Up here on Grand river in Saline district.
Q When did you go to Texas? A In '62.
Q Was it there on your arrival that you met the father of Orrena Williams? A Yes, sir.
Q How long had he been there then? A He went there, I guess, when old Frank Thompson moved there.
Q During the war? A Before the war.
Q How long? A I am not able to say.
Q When did the father of Orrena Williams return to the Cherokee Nation? A I don't know.
Q When did you return? A In '66, myself.
Q Did you ever see him then after you come back? A Yes, sir, after I got back, I met him.
Q When did you first meet Frank Harlan? A The first time I met him was here in Muskogee. I met the sister several times up at Vinita.
Q Do you know where Frank Harlan was born? A No, sir, I don't.
Q Do you know who is the father of Frank Harlan? A Henry told me he had a son by the name of Frank.

Q. Was Henry Harlan the father of Frank Harlan? A. He claimed him as his son.
Q. Who did you say owned Henry Harlan during the war? A. When I first knew him?
Q. Yes? A. A man by the name of Wilson. His former owner was Frank Thompson.
Q. Did he belong to Mrs. Wilson? A. Yes sir.
Q. Was she a Cherokee citizen? A. Yes sir.
Q. Do you know when she went to Texas? A. A. No sir, I don't. She was a niece of my mistress.
Q. Where did she live in the Cherokee Nation? A. Who, my mistress?
Q. No, Mrs. Wilson? A. I don't know. Up there on Beatty's prairie I suppose. I don't know exactly where abouts in the Cherokee Nation she did live. I never got acquainted with her till after she went to Texas.

By MR. HASTINGS:

Q. You know that old man, Frank Thompson, sold his place up there to John Stover, my grandfather, and it is the same place where my mother now lives, and they went to Texas 15 years before the war? A. I know that they went to Texas, but I do not know what time. It was a number of years before the war. I couldn't say. I was small when the war came up.
Q. You never saw Frank Thompson in the Cherokee Nation? A. No sir.
Q. And never saw his daughter in the Cherokee Nation? A. No sir.
Q. All you knew of her was in Texas? A. Yes sir.
Q. They had houses and farms there when you knew them? A. Yes sir.
Q. And your niece, his wife, had lived there some time before then? A. Yes sir.
Q. And Frank Thompson died there? A. Yes sir.
Q. And this same Wilson and his wife died there? A. Yes sir.
Q. And were citizens and residents there when you knew them? A. Yes sir.
Q. And you never saw Henry Wilson in the Cherokee Nation before the war? A. No sir.
Q. About what time did you see Frank Harlan here in Muskogee after the war, first? A. The first time I saw Frank must have been 6 or 7 years ago.
Q. Did you have an talk with him? A. No sir.
Q. You do not know where he was from? A. No sir, only his father said he had a son named Frank.
Q. Did not he say his son was in Texas? A. No sir.
Q. Where did you see his father? A. At Fort Gibson.
Q. How many years after the war was that? A. I don't know.
Q. 10 or 15? A. It may have been, and maybe not so long.
Q. He didn't have any children with him when you saw him? A. No sir.
Q. Didn't have any wife? A. No sir.
Q. Do you know where the mother of these children died? A. No sir.
A. Do not you know she died in Texas? A. No sir.
Q. Do not you know that Frank Harlan was born in Texas? A. No sir.
Q. You were living around Fort Gibson in 1866 and '67? A. I never came there until spring.
Q. What spring? A. '66.
Q. Did you stay there the rest of the year of 1866 and 1867? A. All the year of 1867.

Q. How about the rest of the year of 1866? A. I wasn't there regularly. Was on Grand River and one place and another, but in 1867 I was there all the time.
Q. But you never saw Henry Wilson for a number of years after the war? A. No sir.
Q. Was it as much as 10 or 12 years after the war? A. It may have been. I don't know.
Q. Is that your best judgment? A. I don't know. I could not say. It may have been that long, and it may have been earlier.
Q. It couldn't have been much earlier? A. Not much earlier.
Q. You never did see his wife after the war? A. No sir.
Q. When did you tell me you saw Cyrena? A. I saw her ---it was several years after the war.
Q. How many years ago now since you first saw her? Six or seven years ago? A. Yes sir, I guess it was that long.
Q. Where did you see her then? A. When I remember of seeing her was at the time of the Freedman Payment at Gibson?
Q. That was the Dixon Payment, eight years ago? A. Yes sir.
Q. That was the first time you saw her? A. Yes sir.
Q. When you saw her in Texas during the war what is your best judgment as to her age? A. I do not know.
Q. When you see a child playing around you can form some kind of an idea? A. I was a boy myself and had no judgment about it.
Q. Was she old enough to talk when you first saw her? A. Yes sir.
Q. Would you judge she was three or four years old? A. It may have been.
Q. How old? A. I couldn't say.
Q. You mean about 3 or 4? A. I don't mean when I first went down there?
Q. That is what I want to know --when you first saw her down there I want to know your best judgment of your age? A. A. When I first went we stayed at Frank Thompson's place.
Q. Did he have a farm there? A. Yes sir.
Q. How big? A. I couldn't tell you.
A. A thousand acres? A. I couldn't tell you.
Q. Did he have houses and stock? A. Yes sir.
Q. Old man Wilson, also? A. Yes sir.
Q. Did he have stock? A. Yes sir.
Q. You never told us about how old this girl was when you first saw her down there? A. I don't know. I come up there and went back to Rusk County, and I couldn't tell how long it was.
Q. When you talked to Henry Wilson here when you first saw him after the war, some 8 or 10 years, he told you he had some children? A. Yes sir.
Q. Did he say he had a girl? A. Yes sir.
Q. Where did he say his girl was? A. He didn't say.
Q. Do you mean to say that he told you about them and didn't say where they were? A. He went before a Notary and wanted me to testify about him being a freedman.
Q. When was that? A. About the time of the payment.
Q. That was the first time you saw him after the war? A. Yes sir.
Q. What payment was that? A. The Dixon Payment.
Q. That was the first time you saw him after the war? A. Yes sir.
Q. Don't you know that was in 1897? A. I don't know.
Q. What did he want you to testify to? A. To the truth.
Q. Where did he say his children were then? A. He didn't tell me.

Q. They were not there? A. No sir.
Q. That is the first time he told you he had some children? A. Yes sir, and I saw this lady afterwards at Vinita.
Q. And that is the first time you saw her? A. Yes sir.
Q. He never pointed out this woman as being his child? A. No sir.
Q. And never pointed out Frank? A. No sir.
Q. You have been about Ft. Gibson more or less all your life and about Vinita and Grand River more or less all your life? A. Yes sir.
Q. And they are settled more or less with colored people? A. Yes sir.
Q. And you have testified that you never saw Henry Wilson until during the Dixon Payment? A. Yes sir.
Q. And never saw Frank Harlan and Orrena Williams until after the Dixon Payment? A. Yes sir. I never saw her till after the payment.
Q. When did you see Frank? A. Here in Muskogee.
Q. I said when? A. I do not know.
Q. This morning? A. Before this.
Q. When? A. Maybe a year or so ago.
Q. You never saw Henry Wilson around Gibson before the Dixon Payment? A. No sir.
Q. You know everybody that lived around there? A. Yes sir.
Q. Well acquainted with the colored people living there? A. Yes sir.
Q. Knew all the old citizens? A. Yes sir.
Q. Inasmuch as you knew Henry Wilson in Texas before the war he could not have lived around Gibson in 1867 without you seeing him, could he? A. No sir, it looks that way.

WITNESS EXCUSED.

Jerry Martin, being first duly sworn, testified as follows: in additional cross examination.

Mr. Hastings:

Q. Uncle Jerry, did you and Henry Wilson stay all night with Columbus McNair, this other witness, at the time you stated you went up on Grand River, just after the war? A. We stayed with some man. I think it was him.
Q. You know Columbus McNair, this other witness? A. Yes sir.
Q. Did you stay all night with him on that trip up there? A. We stayed several places.
Q. Did you stay with him? A. We stayed with so many. It has been along time, and I think we stayed with him.
Q. You remember seeing Columbus on that trip, do you? A. Yes sir.
Q. You feel positive about that? A. I saw him to the best of my knowledge, but to say positively, it has been too long a time.
Q. At whose places did you stay on that trip? A. At some places we camped.
Q. Those are not the places I am inquiring about. Who did you stay all night with? A. With Dabbs.
Q. He is already dead, is he not? A. I don't know. I haven't seen him for years.
Q. Where do you live? A. I live in Canadian District.
Q. You have not seen him for years? A. No sir.
Q. Who did you stay with? A. I don't know.

Q. Don't you remember staying all night with Columbus McFair?
A. We stayed up on the prairie.
Q. Who with? A. With some colored people.
Q. Who? A. I just don't know who.
Q. Did you see Columbus McFair on this trip? A. Yes sir, we saw him to the best of my judgment.
Q. That is the trip you went to Grand River on with Henry Wilson after you saw him here? A. Let me tell you the truth. after we went up Grand River we went up to Spavinaw and played around and then we went over on Beatty's prairie and knocked around.
Q. Who did you see at Beatty's prairie? A. I couldn't tell you all the people I saw.
Q. That is where I was born and I would like for you to tell me one person you saw on Beatty's prairie? A. I saw Lynch.
Q. What Lynch? A. I couldn't tell you that.
Q. A colored man? A. A Cherokee.
Q. By the name of Lynch? A. Yes sir.
Q. Don't you know there was never a Lynch lived on Beatty's prairie after the war? A. It was right after the war, and they were right there.
Q. Where did you stay over there? A. I went on out on Big Creek, out in Coweescoowee District and left the old man on the west side of Grand River, and went on about my business.
Q. Do you remember anybody that you stayed all night with on that trip? A. I would know them if I could see them, but to call their names, I can't do it.
Q. Did you go through the town of Vinita then? A. No sir.
Q. Did you go through any town out there? A. I went to the town of Mingo, what is called Mingo Creek, and went from there and broke some horses and come on back to Gibson and enlisted in the cavalry.
Q. Who lived on Mingo? A. Nobody hardly then. There wasn't a house there at that time --- nothing but ranches.
Q. Who had a ranch there? A. Bill Halsell. He lived on the west side of Bird Creek at that time. He had no ranch there at that time. I helped him move his cattle away after I come back out of the army.
Q. Who did have one? A. I think it was Miller.
Q. You do not know his first name? A. .I don't know. I think it was Miller.
Q. You never went through any towns on this trip? A. I never saw none.
Q. What did you go up on Beatty's prairie for? A. Just knocking around.
Q. Who did you go up there to see? A. No individual person.
Q. You never found any colored people up there, did you? A. A few.
Q. Who? A. Aught Lynch.
Q. On Beatty's prairie? A. Yes sir.
Q. Don't you know he never lived there? A. Yes sir.
Q Do you swear he lived there after the war. A. I saw him there. He lived in a house.
Q. At whose house did you see him? A. It was an Indian's house, and I never asked him. You know, I hadn't the privilege to walk up and ask his name.
Q. You stayed all night at houses all along on this trip and do not remember any of them? A. Yes sir, and out of houses .
Q. How long were you gone on this trip? A. I don't know.
Q. Were you gone three days? A. More than that.
Q. About how many days? A. We went by Carey's Ferry and crossed there.

Q. At Carey's Ferry? A. Yes sir.
Q. Henry Wilson was not with you then? A. No sir.
Q. He wasn't with you on this trip? A. Yes sir.
Q. Where was he when you crossed there? A. A. We were parted then and he went on his way and I went on about my business.
Q. Did you leave him over there with Solomon McNair when you went on? A. I couldn't be positive.
Q. Is that your best judgment? A. X I couldn't be positive. Not knowing, I am afraid to say.

MR. FORNEY:
Q. Do you know where Henry Harlan lived after the war? A. A. I know he lived at Gibson, and know he lived at Tahlequah He was a traveling minister. He lived at Colbert Station preaching, and all around up in here. I believe he stayed here a while.
Q. He didn't live at any one place? A. He was a traveling minister.
Q. He didn't live at any one place? A. No sir.

Mr. MATLOCK:
Q. You never saw him live here or anywhere at all until 17 years after the war, did you? A. When I came back out of the army I was with him often and on.
Q. That is what you are testifying to now? A. Yes sir, of course it is.

WITNESS EXCUSED.

Orrena Williams, being duly sworn, testified as follows:

BY COMMISSIONER:
Q. What is your name? A. Orrena Williams.
Q. How old are you? A. About 43.
Q. What is your post office address? A. Checotah.
Q. You are the applicant who has applied here for the enrollment of yourself and five children as Cherokee Freedmen? A. Yes sir.
Q. What was the name of your father? A. Henry Wilson, but he went, after the war, by his father's name, Henry Harlan.
Q. What was the name of your mother? A. Emma Harlan.
Q. Are your parents both dead? A. Yes sir.
Q. How long has your father been dead? A. About three years this August, I think.
Q. How long has your mother been dead? A. I don't know, sir. She died quite a while ago.
Q. Were both your father and mother slaves of Cherokees ever since before the war? A. No sir. My father was, my mother wasn't.
Q. Your mother was a state woman? A. Yes sir.
Q. Who did your father belong to? A. Wilsons.
Q. Were they recognized Cherokee citizens? A. Their children were living in the Nation. They are dead.
Q. They are recognized citizens, are they? A. I suppose so.
Q. Do you remember anything about the war? A. No sir.
Q. Were you born after the war? A. My father said I was born in '61, and that must have been about the time of the war. I do not remember.
Q. Where were you living when you first remember? A. I remem

other when he moved to one place, and he said that was Texas. I just knew we moved, is all I know.

Q. About how old were you when he moved to Texas? A. I don't know sir, quite small.

Q. Give some idea? A. I must have been at least three or four years old. I just remember moving. I did not know one place. I just knew we moved.

Q. Do you know where you moved? A. He said we come from the Nation.

Q. You are stating what your father told you. I asked you where you lived when you first remember? A. It must have been in Texas. I remember we moving when I was small.

Q. When do you first recollect of being in the Cherokee Nation? Where were you? A. The first I can remember being in the Cherokee Nation was on Snow Creek.

Q. About how long after the war was that? A. I don't know. I was small.

Q. Who were you living with there? A. My father left me there when I was small and I stayed first with one person and then with another. I was small and don't know no certain place.

Q. How much older are you than your brother Frank? A. I must be about maybe 10 or 12 years older, a good many years older.

Q. Where was he born? A. I don't know. My father left me here when I was small. He traveled about, and left me on Snow Creek and I don't know just where Frank was born.

Q. Who did he leave you with? A. An old woman up on Snow Creek --Aunt Polly Ryder, first one person and then another-- with an old lade named Aunt Harriet.

Q. Where do you live now? A. Down here near Pine Hollow.

Q. In the Cherokee Nation? A. Yes sir.

Q. How long have you been living there? A. I have been living around in there three or four years.

Q. Where did you come from to that neighborhood? A. From the Seminole, near Wewoka.

Q. How long had you been living there? A. Just a little while

Q. Where did you go from down there? A. Up on Snow Creek.

Q. Cherokee Nation? A. Yes sir. Have lived the most of my time, since father brought me here, in the Cherokee Nation

Q. Who is the father of these children for whom you have made application? A. John Williams.

Q. Is he a state man? A. Yes sir.

Q. Makes no claim to being a freedman? A. No sir, he is a state man.

Q. Is he living now? A. Yes sir.

Q. When were you married to him? A. We have been married 20 odd years.

Q. Where were you married? Up on Snow Creek? A. I met him there.

Q. Who married you? A. A colored minister.

Q. Did you get a license? A. No sir. We didn't have no license. People didn't have no license then. We just married

Q. Where has Frank been living since his birth? A. Frank has lived around here in the Nation--sometimes at Tahlequah and sometimes here, and he lived down below where I am living now a while --- not the same place I am living, but near.

Q. He and you have the same father and mother? A. Yes sir.

Q. You do not know where he was born? A. No sir. I wasn't living with them when he was born.

Q. When did you first see him after his birth? A. He was a little boy.

Q. About how old? A. He must have been 5 or 6 years old before I saw him.
Q. Where was he then? A. With father.
Q. Where were they? A. Father was at a big meeting, and had him.
Q. Where was that? A. I don't know.
Q. In Arkansas? A. No sir, here in the Nation somewhere.

MR. FOREMAN:

No questions.

MR. FAIRCLOTH:

Q. Is Frank your full brother? A. We have the same father and mother.
Q. Where did your mother die? A. I think father said she died in Texas. I wasn't with them.
Q. Where was Frank born? A. I don't know. I wasn't with them when he was born.
Q. You never drew any money in the Cherokee Nation? A. No sir.
Q. Where were you when Mr. Wallace made a roll? A. I don't know.
Q. Wasn't in this country? A. Yes sir, but I don't know any thing about the Wallace roll.
Q. You never applied to him? A. No sir, I reckon my father did. I depended on him.
Q. You were married and had a good many children born in 1889, were you not? A. I had a child born in 1884.
Q. You never applied to the Wallace court? A. No sir, never applied to any one at all.
Q. You never applied to the Kerns-Clifton Commission in 1896? A. No sir, never applied to any of them at all.
Q. Still, you claim you have been in this country all the time? A. Yes sir, I was waiting for father to prove his right, and I thought mine would be too.
Q. But your father never proved his? A. No sir, he died. He went to Nowata and applied there and was going to get his witnesses and go back, but he went home and got sick and never went back, and I was waiting on him.
Q. Who married you? A. It was a minister.
Q. That is rather an important event in a person's life, and if you and I are going to get along we have got to have some sort of answers? A. Yes sir.
Q. You do not know his name? A. No sir.
Q. You never heard it? A. AI heard it, but I don't remember it.
Q. Preaching around there, was he? A. Yes sir.
Q. Do you know what became of him? A. No sir.
Q. With whom were you living when you were married? A. With this Aunt Polly Ryder.
Q. Is she dead now? A. I don't know whether she is or not. I haven't been up there for a good bit.
Q. How long had you been living with her when you were married? A. I don't know. I stayed at several places.
Q. Who was the other places? A. Aunt Polly sometimes.
Q. How long had you been staying with Aunt Polly when you got married? A. Often and on ever since I was a little girl.
Q. About how many years were you with her? A. Sometimes with one and sometimes with another.
Q. Were you with her a month? A. Yes sir, longer.
Q. Two months? A. Maybe two or three months, and maybe a year

Q. Who was the other? A. Aunt Harriet.
Q. Harriet what? A. Aunt Harriet Laridy. I called her aunt.
Q. You stayed with a woman you called aunt and don't know her name? A. Yes sir, I called her aunt Harriet.
Q. Don't you know there was no person living up there in Cherokee District by that name? A. I lived with an old lady named that.
Q. Do you remember that? A. Yes sir.
Q. Where did she live? A. On Snow Creek not very far from Sarah Ross'.
Q. Was there any town near there? A. Not right there.
Q. Did you ever hear of a town while you were up in there? A. Yes sir, I used to go sometimes to Coffeeville, but don't know if it was the nearest town or not.
Q. What direction were you from Coffeeville? A. West, I think
Q. Were you toward the sunset from Coffeeville? A. I doubt remember about the direction, but I think it was west.
Q. If you lived up there you do not pretend to tell this Commission that you do not know which direction you lived from the town of Coffeeville? A. I think it was west.
Q. Was it towards the sunset? A. I think it was west from Coffeeville.
Q. Do you know whether it was towards the sunset or not? A. I do not know whether it was or not, but it was west.
Q. How long did you live there? A. I do not know, sir, how long, all told. It must have been 8 or 10 years.
Q. And yet you do not know where you lived at? A. Yes sir, I told you.
Q. You do not know whether you lived towards the sunset or not, do you? A. It was west, I think.
Q. Are you sure? A. I am almost.
Q. Don't you know Snow Creek is east from Coffeeville? A. No, I lived on Snow Creek.
Q. Don't you know that Snow Creek is east from Coffeeville, and rises up there east of Coffeeville? A. Yes sir, I know it comes into the Cherokee Nation, I don't know where it rises.
Q. What stream does it go into? A. That river there.
Q. Grand River? A. No sir.
Q. Arkansas River? A. No sir, I think not.
Q. Verdigris river? A. I think so.
Q. Are you certain? A. I don't know.
Q. Did you ever hear of the Verdigris river up there? A. Yes sir. It goes in with some river, I reckon.
Q. You do not know what direction Snow Creek flows, do you? A. No sir, never paid any attention to it.
Q. Lets get at this Harriet Laridy. What was her husband's name? A. His name was Green Laridy or Larity.
Q. You are not certain about that? A. His name was Green.
Q. What became of that couple? A. I don't know. This Green killed a man up there and I think he was arrested.
Q. Did they have any children? A. Yes sir, had three.
Q. What were their names? A. I don't remember their names.
Q. Where was your son, Willie, born? A. Up there.
Q. At whose house? A. At Aunt Polly's.
Q. Polly Ryder's? A. Yes sir.
Q. Right in her house? A. Yes sir.
Q. Who was present at that time? A. Several people there
Q. Who? A. I don't remember now.
Q. What was Aunt Polly Ryder's husband named? A. I don't remember that.
Q. Did she have any other family? A. Some children.

Q. What were their names? A. I don't know. She had seven children.
Q. You don't remember their names? A. No sir.
Q. Did she live on Snow Creek? A. Yes sir.
Q. What side of Snow Creek? A. I don't know.
Q. How far from Sugar Creek? A. I don't know just how far.
Q. Who was her nearest neighbors? A. I don't know.
Q. You never saw a neighbor of hers? A. Yes sir.
Q. What direction did she live from Coffeeville? A. Same direction as Snow Creek.
Q. Was that west of Coffeeville? A. I don't know.
Q. Did you ever go to Coffeeville? A. Yes sir I have been there.
Q. When is the first time you ever went there? A. I don't know, sir, a good many times.
Q. After you were married? A. Yes sir, and before, too.
Q. Where was Anna born? A. Up there, too.
Q. At whose house? A. At Aunt Harriet's.
Q. Where was Alonzo born? A. Up there.
Q. At whose house? A. At Aunt Sarah Ross'.
Q. Where was Arlesta born? A. Near Sawby.
Q. Where was Eugene born? A. He was born over there, too.
Q. You never could get anybody that ever knew you up in that Snow Creek country, could you? A. I suppose I could if I was to go up there.
Q. You never introduced one, did you? A. There was a man that was here this morning knew me up there.
Q. This Jerry Martin? A. Yes sir, and Columbus McNair.
Q. He knew you up there? A. Yes sir.
Q. That was when you first went up there? A. He saw me up there since I first went.
Q. How long has it been since you lived up there? A. It has been quite a little bit.
Q. About how many years ago? A. I guess it must have been about 14 years since I lived up there.
Q. Don't you know that you were married in Texas? A. No sir Let me tell you, I never saw Texas since I was big enough to remember.
Q. Where did your father continue to live? A. He went about and preached.
Q. Left his wife in Texas? A. He brought her here. I wasn't married in Texas. That is not true.
Q. You claim that your three oldest children were born in three seperate people's houses, and that you lived around among them and you never did keep a house of your own? A. No sir, till a long time after my three children were born.
Q. What did your husband do? A. He worked about.
Q. Who for, up there? A. He mostly farmed.
Q. On whose farm? A. I do not remember him working on anybodys farm there. He used to work days work sometimes in Coffeeville.
Q. How far did you live from Coffeeville? A. Not very far.
Q. About how far? A. I haven't any idea. I don't know.
Q. You never did apply to Mr. Wallace to get money for yourself and children? A. No sir. because I was waiting on my father.
Q. When is the first time you ever saw Columbus McNair? A. I have seen him I don't know how many times. The first time I don't know.
Q. Did you ever see him before 1897 -- seven years ago? A. Yes sir, I saw him when I was small.
Q. He didn't see you? A. I don't know whether he did or not. I remember seeing him, all right.

Commissioner:

Q. Have you ever been enrolled upon any of the tribal rolls of the Cherokee Nation? A. No sir.

Q. Was your father ever enrolled upon any of them? A. I don't know.

Q. Have you ever been recognized in any manner as a citizen of the Cherokee Nation? A. I never applied to any. I was depending on my father.

Q. When did your father die? A. About three years ago this August.

Q. He never applied to the Dawes Commission to be enrolled? A. Yes sir, he made several trips to the Dawes Commission. I do not know whether it was the Dawes Commission.

Q. He died about three years ago? A. I think it was about three years ago.

WITNESS RECALLED.

Frank Harlan, being duly sworn, testified as follows:

Mr. Foreman:

Q. What is your name? A. Frank Harlan.

Q. How old are you? A. 32 years old.

Q. Where do you live? A. Here in Muskogee, now.

Q. How long have you lived here? A. Been living here now about a year--about a year after the payment was over at Gibson. I do not know just what year that was, about 7 years I think.

Q. You have been living here ever since then? A. Yes sir, often and on. Been at Tahlequah and here.

Q. Where were you born? A. My father told me over here close to Gibson.

Q. Who did you wish to have enrolled here besides yourself? A. William Harlan.

COMMISSIONER:

Q. You are the person who has applied here for the enrollment of yourself and child, William, as Cherokee Freedmen? A. Yes sir.

Q. What was the name of your parents? A. My father --Henry Harlan, my mother --Emma Harlan.

Q. You are a full brother to Orrena Williams are you? A. I suppose so. I couldn't swear that I was.

Q. Where were you living when you can first remember? A. Down this side of Red River at what they called Big Sandy, in the Chickasaw Nation.

Q. How long did you continue to live there? A. We lived there A. We lived there often and on, from my recollection, along about six years or more I guess.

Q. Was your sister there too? A. No, she left me when I was quite small, when I could just remember a little bit.

Q. When did you next see her after she left you when you were small? A. About three years ago.

Q. That was the first time you had seen her? A. Yes sir.

Q. You continued to live in the Chickasaw Nation --then where did you go? A. Back up here, and from here down to Gibson.

Q. Fort Gibson, Cherokee Nation? A. Yes sir.

Q. How long did you continue to live there? A. We lived there I think about four years, I guess, close on to that.

Q. When was the first time you recollect to ever have been in the Cherokee Nation? A. When we lived over there at Gibson. I was little. My father told me the name of the place, and I never will forget it. He said it was Gibson.
Q. How old were you? A. I guess about 5 or 6 years old.

MR. RAYMOND:
Q. Was your sister married at your father's house? A. I suppose so. I don't know exactly whether she was or not.
Q. What is her husband's name? A. His name is John Williams, I think.
Q. How long had you known John before he and your sister were married? A. I do not know. I didn't know him then.
Q. You had seen him before? A. If I had I don't recollect it. It had been so long since I had seen him that I couldn't recognize him.
Q. Did she and her husband go away from down there together? A. Yes sir, directly after they married.
Q. Hadn't they had a child born then? A. No sir, not at father's.
Q. Was Willie Williams born there? A. Not at father's.
Q. Wasn't Anna born there? A. Not at my father's.
Q. Do you know where Willie and Anna were born? A. From what they told me, up close to Vinita.
Q. That is where she told you? A. Yes sir, I heard my father say he had a daughter further up in the Nation.
Q. That was when you were living on Red River? A. Yes sir. I was quite a big boy then. That was a little bit before my mother died.
Q. Where did your mother die? A. Right there at Colbert.
Q. Colbert Station? A. Down below it a piece.
Q. When did she die? A. She died when ---I don't remember just exactly what year it was. I was just past ten going on eleven years old. I don't know what month she died in.
Q. Was your mother dead when your sister married? A. No sir.
Q. She was living when your sister married? A. Yes sir.
Q. Then you were eight or nine years old when your sister married? A. No sir, not that old. She was ten years older than me.
Q. You just can recollect her marrying? A. I don't know that I remember it. I amit positive.
Q. Do you remember the fact of her being married there? A. I wouldn't swear that she married there.
Q. You say she and her husband left there together? A. That is what they told me.
Q. And they left there before your mother died? A. They just told me that. I was too small to swear to it.
Q. When did you move up here first? A. The first time I come up here was with my father.
Q. When you first come up here? A. I was born here and moved down there.
Q. How could you be born here and your mother having never been here? A. I didn't say she wasn't.
Q. You can not find anybody that ever saw her here? A. I don't know about that.
Q. If youwere born there why can't you get somebody that knew your pepple there? A. Well, they have to go wherever they get a place to go.
Q. You never saw anybody in Fort Gibson who ever saw your mother there, did you? A. I do not remember any right now.
Q. You can not find one person over there? A. I haven't tried I might. It was 32 years ago and there could be many people died in that time.

Q. But when you were old enough to remember of your own knowledge you were on Red River? A. Yes sir.
Q. Did you ever live in Texas. A. We lived in Texas a while - in Denison. My father was a minister and wherever he was sent to preach, we went there.
Q. Did you live in Denison? A. When he was sent to preach, we went there.
Q. Did you live at Denison? A. Certainly, we lived there.
Q. Did you live at any other town in Texas? A. Not as I know of.
Q. You don't remember any more? A. Not as I know of while we lived there. I have been all over Texas nearly.
Q. When did you first go to Texas? A. I was about 18 years old.
Q. Where did you go? A. I went to Denison and from Denison to Mineola and from Mineola to Quitman, Texas.
Q. Any of these places where you were born? A. No sir.
Q. Didn't the Wilsons, your father's owners, live there? A. Yes sir, right around Quitman. Some of their relatives are living there today. I couldn't swear that.
Q. They were where you lived? A. I do not know that for certain.
Q. Your mother died there, didn't she? A. No sir she didn't.
Q. When was the last time you lived in Texas? A. I told you when I lived in Texas.
Q. I am asking you again? A. I said when I was 18 years old I went there.
Q. When did you leave the state of Texas? A. I don't know when --the last time I was there.
Q. When is the last time you lived there? A. About six or seven years ago.
Q. That is the first time you left the state , too, is it not? A. No sir, it isn't. When I first went there I was 18 years old.
Q. You never applied to the Wallace court for enrollment, did you? A. I did not. My father did, I think.
Q. You never applied to the Kerns-Clifton court, did you? A. No sir, I didn't.
Q. Never tried to be enrolled before in the Cherokee Nation? A. No sir.
Q. Never was recognized as a citizen of the Cherokee Nation? A. Never tried, because I left that for my father to do.

WITNESS EXCUSED.

L. B. Bell, being first duly sworn, testified as follows on behalf of the Cherokee Nation.

MR. HASTINGS:
Q. Your name is L. B. BELL? A. Yes sir.
Q. What is your age? A. 65 years old.
Q. What is your post office address? A. Vinita, Indian Territory.
Q. You are a citizen of the Cherokee Nation? A. Yes sir.
Q. Mr. Bell, did you know one, Franklin Thompson's family that lived on Beatty's Prairie some years prior to the war? A. Yes sir, I was acquainted with them. Benjamin Franklin Thompson was his name, usually called Franklin Thompson. His wife was a sister to my mother.
Q. Where were they living when the war came up? A. His wife had died when the war come up. The old man was living in Rusk County Texas.

Q. Where did his wife die? A. In Texas.
Q. They had formerly lived in the Cherokee Nation? A. They lived up in Delaware District, Cherokee Nation on what is known as Beatty's Prairie. I was living with them at the time they went to Texas.
Q. When did they go to Texas? A. About 1848.
Q. And they continued to live in Texas, and were living there when the war came up? A. Yes sir, I found them living there in 1863. I stayed there two or three years and then came back here, and then I was backwards and forwards from then until 1880 -- along about 1880, and then the old man Thompson died.
Q. Did they own property o in Texas? A. Yes sir, he had cotton land there, negroes, mules, and land.
Q. Did one of Franklin Thompson's daughters marry Wilson? A. Three of them died.
Q. Do you know whether this young Frank Wilson was one of their children? A. He was the son of Ellen Wilson the daughter of Franklin Thompson.
Q. They owned slaves there in Texas, did they? A. Yes sir, they owned slaves there.
Q. They were recognized as citizens of the state of Texas? A. Yes sir.
Q. Do you know where Franklin Thompson's daughter was married to Wilson, whether here or in Texas? A. They were married in Texas, right at Uncle Franklin's house.
Q. He never did go ---he died in Texas? A. Yes sir, he and his wife both died there.
Q. None of his children ever returned here to live after the war? A. Some of the grandchildren came here.
Q. They were readmitted to citizenship here? A. Yes sir, that is my understanding.
Q. They were not recognized as citizens when they came here, but were readmitted by act of Council? A. Yes sir, and they were born there, too.

MR. FORGMAN:
Q. Were you present at the marriage between Thompson's daughter and Wilson? A. I was present at the marriage of John Wilson and Lone Thompson.
Q. You were not present at the marriage of Frank Wilson and his wife? A. No sir. I do not know the year they were married
Q. How old do you say you are? A. 65 years old --about that.
Q. Where did you live at the time you knew these Thompsons in the Cherokee Nation? A. It is sort of a long story. My mother died when I was about a year old and my father broke up housekeeping, sold out down there, and took me up there and left me at my aunt's, Mrs. Ann Thompson, the wife of this Franklin Thompson. Franklin Thompson was fixing then to go to Texas with his family, and my father bought the place he lived on, and we owned it a while.
Q. How old were you when they moved to Texas? A. I guess I was nine years old ---about that.

WITNESS EXCUSED.

H. H. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported all proceedings had in the above entitled cause on the ____ day of _____, 190_ __, and that the above and foregoing

is a fully true, and correct transcript of his stenographic notes taken in said case.

[illegible]

Subscribed and sworn to before me this the 11 day of January, 1908.

[illegible]
Notary Public.

R-[illegible]

SUBPOENA

COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible] application

for the enrollment of

Orpena Williams, et al.,

as [illegible] Freedmen.

FILED
SEP 21 1904
COMMISSION TO FIVE TRIBES.

[illegible]

Department of the Interior,

Commission to the Five Civilized Tribes.

To Frank Wilson

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muskogee in the Creek Nation, Indian Territory, on the 21 day of September 1904, to testify before said Commission in the matter of the application for the enrollment of Orena Williams, et al., for enrollment as Cherokee Freedmen.

Dated at Muskogee this 17 day of September, 1904.

Commissioner.

FILED
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen-R-222-9.

BEFORE THE DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, September 22, 1904.

Supplemental proceedings had in the matter of the application for the enrollment of Orrena Williams et al. as Cherokee Freedmen.

The applicant appeared in person and by attorneys, Thomas A Foreman.

Cherokee Nation, by its attorney, James F. Davenport.

John F. Wilson, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

Mr. Davenport:

Q. What is your name? A. John F. Wilson.
Q. What is your age? A. 43 years.
Q. What is your post office address? A. Tahlequah.
Q. Where were you raised? A. I was raised in Texas.
Q. Did you ever know a colored man in the state of Texas by the name of Henry Harlan? A. Yes sir.
Q. Where did he live, with reference to where you lived? A. He lived in the same town part of the time.
Q. Do you know from whom he took the name of Harlan? or to whom he belonged? A. He belonged to the Thompsons.
Q. What Thompsons? A. Grandfather Thompson.
Q. Where did he live when the war broke out? A. In Texas.
Q. What county in Texas, if you know? A. Rusk County, at that time.
Q. Where were they living when you first recollect after the war? A. Quitman, Wood County.
Q. Where was Henry Harlan living when you can first recollect? A. In Quitman, Wood County.
Q. Do you know whether or not Henry Harlan had a family? A. Yes sir.
Q. Do you know the names of any of his family? A. I recollect Frank, here.
Q. Do you mean Frank, the applicant here? A. Yes sir, he had several children, but I do not recollect all the names.
Q. When did you leave the state of Texas and move to Tahlequah? A. In 1884.
Q. Where were Henry Harlan and his family living when you left? A. Quitman or Winnsola --two towns ten miles apart. I don't know which one he lived in.
Q. Have you ever seen this applicant, Frank Harlan, or Orrena Williams since they came to the Indian Territory? A. Yes sir.
Q. Do you know what part of the country they live in now? A. No sir, I don't.

Q. When was the first time you saw them after you came to the Cherokee Nation? A. I saw Frank here I think it has been about 6 or 7 years ago.
Q. Where was he at that time? A. Tahlequah.
Q. Did he recognize you then as being the man he had known in Texas, or did you recognize him? A. He recognized me, and told me who he was.
Q. Do you know whether or not Henry Harlan, his father, ever moved to the Cherokee Nation? A. I never knew of his being here since I have been here until about 7 years ago.
Q. When you moved from Texas to the Cherokee Nation in 1884 you left Henry Harlan and his family in the state of Texas? A. Henry was there when I left.

Mr. Foreman:
Q. When did you move to the Cherokee Nation? A. In 1884.
Q. You have never seen Harlan here since you came, Henry Harlan? A. Yes sir.
Q. There? A. At Tahlequah.
Q. When did you see him there? A. It has been about 6 or 7 years.
Q. Do you know where he was living then? A. He told me he came from Texas. He belonged to my people, and he stayed there. I fed him there about two weeks after he came.
Q. You do not know whether he was ever in the Cherokee Nation before then or not? A. I couldn't say.
Q. How far did he live from you in Texas? A. He lived, part of the time, in the same town.
Q. How much of the time? A. A good while. I knew him afterwards. I was a kid.
Q. How long did he live in the same town you did? A. He lived there some time, I don't know how long.
Q. A year or two? A. Yes sir, several years.
Q. Four or five years? A. Was at Quitman, where I was raised, and he was at Mineola, and was in Rusk County part of the time.
Q. He moved around a good deal? A. A right smart.
Q. You didn't keep track of him all the time? A. No sir. It was none of my business to keep right after him.
Q. Do you know how old Frank Harlan is? A. No sir.
Q. Do you know where he was born? A. I am not sure. Think he was born in Rusk County, Texas.
Q. How many brothers and sisters did he have? A. I don't remember.
Q. Did he have any? A. I think he did. I don't know how many he had. Henry had two or three wives. They were kinder mixed up to me.
Q. You do not know, then, whether Frank Harlan had any brothers and sisters or not? A. I think he had one or two. I am not sure.
Q. Did Frank Harlan live with his father in Texas? A. He did when he was a boy, I think.
Q. You think he did? A. Yes sir. The children, part of them, were mixed up. He had two or three wives. I hadn't seen him in a good while until he came here. I recollected Frank.
Q. Where did you see Frank Harlan in Texas. A. I saw him in Rusk County, and at Quitman, Wood County.
Q. You are sure he was the son of Henry Harlan? A. He is supposed to be.
Q. What was Henry Harlan's business? A. It was of every kind. He just worked around at first one job and then another. Did not have any particular business that I knew of.

Commissioner:

Q. Were you born in Texas? A. Yes sir.

Q. Were you born near this town where you once these parties? A. I was born in the town of Quitman, Wood County, Texas.

Q. How large were you when you first can remember the father of Frank Harlan here? A. I was very small. I know him ever since I was big enough to recollect any one.

Q. What is your best idea as to the year you first got acquainted with these people after the war? A. After the war?

Q. What is your best impression as to the year you got acquainted with these parties? A. I know the father ever since I was big enough to recollect any one. I knew him right after the war. I was 5 or 6 years old.

Q. What year were you born? A. 1841.

Q. And you say you have known them since you were large enough to know anybody? A. Yes sir. My people owned him during the war. My father had charge of him a while.

Q. Are you a Cherokee by blood? A. Yes sir.

Q. How long did your father live in Texas before the war? A. He lived there all his life. He was raised in Texas.

Q. Well, your mother? A. I don't know how long she had been there. She was a grown girl when her father moved from the Cherokee Nation to Texas --- about 17 or 18.

Q. Your mother was a Cherokee by blood? A. Yes sir.

Q. Who did Henry belong to at the beginning of the war? A. He belonged to my grandfather. My grandfather gave him to Issie Wilson, my aunt.

Q. Was Issie Wilson a Cherokee? A. Yes sir, my mother's sister.

Q. How long had Issie Wilson been in Texas at the beginning of the war? A. I couldn't tell you. But then a good while though. She was a girl when her father moved there.

Q. Several years? A. Yes sir.

Q. Did she ever go back to the Cherokee Nation after the war? A. No sir.

Q. Never did? A. No sir

Q. You were too young to give the Commission a definite year as to when you began knowing Henry Harlan? A. I couldn't say the exact year. I was too small. I recollect them though when I was very small.

Q. Did you ever know Orrena Williams? A. I sorter recollect her --don't have much recollection of her.

Q. You do not know when she came to the Cherokee Nation, do you? A. No sir, I know when I first saw her there, but I do not know when she came.

Mr. Foreman:

Q. You are on the roll as a Cherokee citizen? A. Yes sir.

Mr. Davenport:

Q. When you came to the Cherokee Nation in 1884 how did you get on the Cherokee roll? A. I was admitted by the Cherokee Citizenship Court.

Q. Do you know by what name the Court was known? A. Cherokee Citizenship Court.

Q. Who were the members of the Commission? A. Charley Fry, Old man Spears, a man named Smith, an Indian named Snakepuppy, and I forgot the others.

WITNESS EXCUSED.

-6-

E. E. Vance, being first duly sworn, states, that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 22nd. day of September, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

E. E. Vance

Subscribed and sworn to before me this the 22 day of January, 1905.

Charles W. Mauzey
Notary Public.

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C.FR3287

FILED
DEC 2 1904
COMMISSION TO FIVE TRIBES

Cherokee Freedmen D-220 & 220.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, Nov. 22, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Orrena Williams, et al., as Cherokee Freedmen.

It appears that on October 14, 1904, the applicant, their attorneys and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on November 22, 1904, and then and there introduce testimony as they might desire in this case, and on said date this case was continued by agreement until this November 22, 1904.

APPEARANCES:

Applicant appears in person and by her attorneys Thomas A Foreman,
Cherokee Nation by W. W. Hastings.

JOHN REECE, being first duly sworn testifies as follows;

EXAMINATION BY MR. FOREMAN:

Q What is your name? A John Reece.
Q How old are you? A About 61 or 62.
Q What is your postoffice address? A Coffeyville, Kansas.
Q Mr. Reece did you ever know Henry Harlan? A Met him.
Q When and where? A Met him on Pryor Creek.
Q Is that in the Cherokee Nation? A Why it is in the Cherokee Nation.
Q That is where you met Henry Harlan? A Yes sir, he come where I was working.
Q You met him in the Cherokee Nation? A Yes, sir.
Q When? A '66
Q Where did you see him on the Creek? A I was living at the old Alberty Place.
Q Is that where you saw him at the old Alberty Place? A Yes.
Q Where was you living? A I was living there.
Q What was Henry Harlan doing there? A Why he just come over, said he was acquainted with my father and mother.
Q He was acquainted with them you say? A Yes they seemed to know him, called him Henry Harlan.
Q How long did he stay at your house? A All the day.
Q What was he looking for there? A A Why he was inquiring around if we knew of any good claims, he wanted a claim or some place to stop.
Q Did he leave the house then that day? A Yes, sir he left the folks.
Q Whose house was this where you were living? A The John Alberty place.
Q Who was living there? A William Sunday, then old Aunt Sarah Ross, which was Charles Ross's wife, one-eyed Charles, also Isaac Brown was living there.
Q And you were living there? A Yes, I was living there, made a crop there.
Q Did you ever see Henry Harlan after that visit to your house?

A I saw him at a meeting up in there on Pryor Creek.
Q What kind of a meeting? A Oh, just a meeting we had on Sunday.
Q And Henry Harlan attended these meetings did he? A I met him there down on the Elder place at a meeting after that.
Q How long after? A I could have been not very long after. I didn't think much about it.
Q Was he living in that neighborhood? A Not as I know of. He didn't have any place that I knew of in that neighborhood.
Q You didn't know where he did live? A No, sir, I don't know where he did live, I wasn't acquainted with him.
Q Did you ever see Henry Harlan after the time you saw him at that meeting? A I don't remember that I did.
Q How old were you at that time? A I don't know how old I was, I was a young man all right.
Q Henry Harlan was a grown man, was he? A Yes, he was a grown man.
Q Older than you were? A I suppose he was, I was pretty young in '66.

CROSS EXAMINATION BY MR. MASTINGS:

Q What year was it they made this Kerns-Clifton roll? A I don't know.
Q What year was it they made the Wallace roll? A I don't know?
Q What year did they pay out the money after the Wallace roll?
A I don't know, I wasn't there.
Q What year did they pay out the money on the Kerns-Clifton roll?
A I don't know.
Q Are you married? A Sometimes I am.
Q Are you married? A I was but the old woman quit me.
Q What year was you married? A I don't know what year.
Q Do you know one year from another? A I know some years when you tell me. I know '66.
Q Well do you know '96? A If I would know '96 I would know '97 and if I would know '97 I would know '98.
Q Well do you know '96? A I guess I know '96.
Q Do you know '86? A Do I know '86?
Q Do you know one year from another? A I don't know as I do.
Q Was Henry Harlan married when you first saw him after the war?
A I never asked him any matters.
Q Was his wife with him? A Yes, I guess so.
Q About what aged man was he when you saw him after the war, was he grown? A Yes, he was a grown man.
Q Well about how old a man did he appear to be? A I don't know how old.
Q Did he look to be 18 or 19 or older? A He looked to be about 30 or 35, somewheres along in there.
Q How long did you see him around on Pryor Creek? A I saw him at the old Alberty Place.
Q How long is what I asked you? A I saw him every forenoon and afternoon.
Q That is the only time you saw him around Pryor Creek? A No, sir
Q How long after that did you see him again? A Not so tolerable long, I was down at a meeting.
Q About how long after that did you see him again, I said?
A It must have been six or seven weeks.
Q Did you see him in the meantime? A No, I didn't see him.
Q Didn't have a wife with him? A No, sir.

Q Did you ever see Orrena Williams? A No, sir, not to remember.
Q Didn't you know she was born in Texas? A How could I know where she was born?
Q Did you ever see Frank Harlan? A No, sir.
Q Who was Henry here with? A He was by his lone self.
Q Walking? A Riding a pony.
Q You had never seen him before? A No, sir.
Q Have you ever seen him since? A Met him at a meeting.
Q What meeting? A That meeting we had there. I never remember seeing him any more.
Q And now for 50 years you remember to have seen a stranger for about an hour on Pryor Creek and then about six weeks at a meeting after that? A Yes, sir.
Q And you don't know what year you was married in? A No, I don't know what year.
Q And you don't know what year the Kerns-Clifton payment was made? A No.
Q And you don't know when the Vallace roll was made? A No.

EXAMINATION BY MR. FOREMAN:

Q At the time Henry Harlan called at your house where you were living you fixed that in your mind by
OBJECTED TO BY MR. HASTINGS AS BEING LEADING.
Q When was it with reference to the war that he called at your house? A After the war.
Q How soon after the war? A In '66, the first of '66, I lived in Ft. Gibson.
Q Was it soon after the war or a long time after? A Soon after the war.

EXAMINATION BY MR. HASTINGS:

Q About how many years after the war? A It couldn't have been over a year.
Q What time of the year was it? A Along in August or the first of September .

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STEPHEN LITTLE being duly sworn testifies as follows:

EXAMINATION BY MR. FOREMAN:

Q What is your name? A Stephen Little.
Q What is your postoffice address? A Lenepah.
Q How old are you? A 80/
Q Do you know Orrena Williams? A I seen her when she was a girl.
Q Where? A On Snow Creek.
Q In the Cherokee Nation? A Yes, sir.
Q When did you see her there? A Well I couldn't get down to the figures of it, sometime in '70.
Q How old was she? A Well she was a girl about 10 or 12.
Q What was she doing there? A Old Aunt Sarah she says to me, she always called me Brother Little, and she said "I have got them all kinds, ringed, streaked and striped.
Q Well what did she say about Orrena? A She says "this one is not mine.
Q What was Orrena doing there? A I don't know.
Q Where did she come from? A I don't know, she come from Lightening Creek I guess.
Q Was she living there with Aunt Sarah Ross? A I don't know

[illegible]

[illegible]

[illegible]

Q Did Orrena have any brothers or sisters there with her? A No.
Q Now I want to know if you don't know that this Orrena Williams was born in the state of Texas where she was owned before the war? A I know nothing about it.
Q What became of her after she left Snow Creek? A I don't know where she went.
Q What name did she go by when you knew her in '70? A I don't know that she went by any other than Williams.
Q She went by that at that time? A Yes.
Q Will you swear that was the name she first went by at Sarah Ross's
A Her name was Williams.
Q You are positive of it? A Yes sir, positive.
Q Well now you continued to live in that section of the country did you? A Yes.
Q What became of her? A I don't know, I heard she was down here in trouble.
Q And John Reece said his mother raised her? A Yes.
Q If John Reece then swore on the stand he had never seen this girl, this haint the girl? A I don't know.
Q This is the same John Reece who just left the stand? A Yes.
Q Well this can't be the girl if John Reece never seen her?
A No, sir.
Q And she went by the name of Williams back in the '70's? A Yes, that is the name.

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Q And he proceeded goes up there to Coffeyville that you know something about this girl? A He asked me if I didn't remember that girl his mother had.
Q His mother lived on Snow Creek? A Yes.
Q Was John up there around his mother's at the time? A John has been there all the time.
Q Then if this girl had been with his mother he would have known her. A Yes.

QUESTIONS BY MR. POMEROY:

Q What was this girls first name? A Orrena. I think that is what they called her, I have no acquaintance with her.
Q Were there a number of children running around there?
A Aunt Sarah had ten I think.
Q Did they have different names? A They all had different names.
Q Were their last names all the same? A I don't know.
Q Well what was the last name of the children of Williams? A I never heard any named Williams but that one.
Q There was one named Williams? A I think so, yes.
Q She said one was Baren Williams? A Yes, sir.
Q Did she name any of the others? A She didn't need to name any of the others?
Q How many were her children? A I think there was ten, one of the daughters had five boys. I know that one girl on Paper Creek had five.
Q What were the names of these children fathers? A There was two of them called Keys, one called Brown.

QUESTIONS BY MR. HASTINGS:

Q And you never heard this girls first name at that time? A No.
Q You just heard her surname which was Williams? A Yes.
Q And you have never seen her since that time and you don't know where she lived? A No.

WITNESS EXCUSED.
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FRED MARTIN being duly sworn testifies as follows:

EXAMINATION BY MR. FOREMAN:

Q What is your name? A Fred Martin.
Q How old are you? A 47 or 48, I don't know which.
Q What is your postoffice address? A Wann.
Q Do you know Orrena Williams? A No, not by that name.
Q Do you know this woman here, who is supposed to be Orrena William
A Yes, sir.
Q By what name did you first know her? A Harlan.
Q When did you first meet her? A About the time this Katy railroad came through.
Q Do you remember what year that was? A Not exactly.
Q Where did you know her? A She came there on the Grand River with old Uncle Charles Ross and Aunt Sarah to a camp meeting.
Q Was you there at the meeting? A I was.
Q What was her name then? A Orrena Harlan.
Q That was the first time you ever saw her? A Yes, sir.
Q How old was she? A I don't know.
Q How large a girl was she? A Pretty good sized girl.

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Q Did you see her after that time? A I did.
Q Frequently? A Not very frequently after we moved to Vinita.
Q How many times did you see her? A I don't know.
Q Were those places you saw her in the Cherokee Nation? Yes, sir.
Q Did you know her father? A I don't know.
Q Did you ever see him? A If I did I didn't know him.
Q Do you know with whom she was living? A She came to the river with Aunt Sarah Rose and Charles Rose.
Q Did she live with them? A They said she did.
Q Who said so? A Aunt Sarah.

WITNESS EXCUSED.

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Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 22nd day of November, 1904, and that the above is a true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 26 day of November, 1904.

J. W. Campbell

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the applicat[illegible]er the enrollment of Henry Harlin et al., as Cherokee Freed[illegible] consolidating the applications of:

Henry Harlin et al.	Cherokee Freedmen R 1[illegible]
Orrena Williams et al.	Cherokee Freedmen R 32[illegible]
Frank Harlan et al.	Cherokee Freedmen R 32[illegible].

--:--

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Henry Harlin for himself and minor children, Elisha, Elijah, Cordelia, Lenora, David and Edwin Harlin ; by Orrena Williams for herself and minor children, Willie, Anna, Alonzo, Arlesta, and Eugene Williams; and by Frank Harlan for himself and minor child, William Harlan.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Henry Harlin, was born a slave in Georgia about the year 1836, and, later, was brought to the Cherokee Nation by his owner, one Annie Thompson, a Cherokee by blood, and wife of the below mentioned Franklin Thompson; that subsequent to his removal to the

Cherokee Nation as above indicated, and prior to the first below mentioned year, the said Henry Harlin became the property of one Franklin Thompson, who, it appears, was a Cherokee citizen by intermarriage; that about the year 1848, the said Franklin Thompson and family, after having disposed of part of their property in the Cherokee Nation, removed with the remainder of their effects, which included the said Henry Harlin, to the state of Texas, where they acquired vast property interests, and where said Franklin and Annie Thompson continuously lived until their death; that prior to the year 1861, the said applicant, Henry Harlin, became the property of Isabell Wilson, nee Thompson, a daughter of the said Franklin Thompson, and wife of one Ben Wilson, a citizen of the state of Texas, and remained the property of the said Isabell Wilson until freed by the rebellion; that the said applicant, Henry Harlin, was married about the year 1861, and again about the year 1864, in each instance marrying a state woman, and that he died on August 14, 1901; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Henry Harlin, deceased, and possess no rights to enrollment as Cherokee freedmen, other than as such descendants; and that none of the applicants herein nor their ancestors, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is further shown that none of the members of the said Thompson family who removed from the Cherokee Nation as above indicated, have since re-established their citizenship therein, and those descendants of said family who have, did so by Act of the Cherokee National Council admitting them to citizenship in said Nation.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the said Thompson family, former owners of the said Henry Harlin, deceased, had, under the ruling of the Department in the case of Clara A. Ward (I.T.D. 5878-10132-04), expatriated themselves from the Cherokee Nation, under the provisions of Section II, Article I, Cherokee Constitution, several years prior to the commencement of the rebellion, and that, at the commencement of said rebellion they were non-citizens of said Nation.

IT IS THEREFORE ORDERED that the application for the enrollment of Henry Harlin as a Cherokee freedman, be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

AND IT IS THE OPINION OF THIS COMMISSION that the applications for the enrollment of Elisha Martin, Elijah Martin, Cordelia Martin, Lenora Martin, David Martin and Edwin Martin, Orrena Williams, Willie Williams, Anna Williams, Alonzo Williams, Arlesta Williams and Eugene Williams, Frank Martin and William Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.

Chairman

T. B. Needles.

Commissioner

C. G. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this [illegible] 1905

Muskogee, Indian Territory, November 14, 1903

Received of the Commission to the Five Civilized Tribes one copy of the testimony in Cherokee Freedmen N-138, Henry Harlin, et al.; Cherokee Freedmen N-22, Frank Harlan, et al.; and Cherokee Freedmen N-21, Orrena Williams, et al.

A S McKea
Attorney for Applicants.

Muskogee

Dec 8 1898 Indian Territory, _____ 19

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Ochua

Williams et al R 328 - R 329

Thomas Gordon

Stenographer

Grace Williams,

Checotah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show whether you were the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether you returned to the Nation after the war, within the time provided in the treaty of 1866, and as to your residence since that time. It is also desired that you furnish this Commission with affidavits as to the births of your children, Willie, Anna, Alonzo, Arlena and Kurene Williams.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A.M. on Monday, July 25, 1904, and introduce testimony as above indicated.

Respectfully,

Secretary.

Commissioner in charge.

Dec. 1904

Cherokee Freedmen

R-316.

Muskogee, Indian Territory, July 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Orrena Williams for the enrollment of herself and children as Cherokee freedmen R-316, (old No. Memo. 21), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion; as to whether she returned to the Nation within the time provided in the treaty of 1866, and as to her residence since that time.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, July 25, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October [illegible], 1904

Thomas A. Harwood
Attorneys for Orrena Williams,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Orrena Williams et al., as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its office in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 22, 1904.

You are further advised that the said Orrena Williams has this day been advised that she will be permitted to present on said date her witnesses, testimony and evidence in support of her application.

Respectfully,

Signed: T. B. Needles
Commissioner in Charge.

Copy for [illegible]

Cherokee Freedmen
R-328

Muskogee, Indian Territory, October 14, 1904

Orrena Williams,

Checotah, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and children as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 22, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Tams Bixby

Register.

Commissioner in Charge

Muskogee, Indian Territory, December 7, 1904.

Reid, Hastings & Lawrence,

Attorneys for the Cherokee Nation.

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory at the time indicated, in the following Freedman cases:

October 18, 1904.

Dennis Vann, et al. Cherokee Freedman D-641.

November 21, 1904.

Arthur Vann, Cherokee Freedman 40.

November 22, 1904.

Walker Johnson, Cherokee Freedman R-356.

Leah Brewer, Cherokee Freedman R-33.

Dennis Vann, Cherokee Freedman D-641.

November 23, 1904.

Orrena Williams, et al, Cherokee Freedmen R-328 and 329.

George W. Lynch, et al., Cherokee Freedmen D-731.

Frank Harnage, Cherokee Freedman R-178.

Lizzie Sanders, et al., Cherokee Freedmen D-1022.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

Encl. 66-6.

COPY

Cherokee Freedmen
R-326 and R-329.

Muskogee, Indian Territory, December 7, 1904.

Thomas A Torrence,
Attorney for Orrena Williams,
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory on November 28, 1904, in the matter of the application for the enrollment of Orrena Williams, et al., (R-326 and R-329 Cherokee Freedmen), together with a blank receipt, which you are requested to fill out and return to the Commission.

Respectfully,

Tams Bixby
Chairman.

Encl. 06-8.

[illegible]

Cherokee Freedmen

[illegible], I. T.

Muskogee, Indian Territory, January 10, 1902.

Thomas B. Harrison,

Attorney for Ortrena Williams, et al,

Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the matter of the application for the enrollment of Ortrina Williams, et al, as Cherokee Freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby,

Chairman.

Tacis 2-71.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
R-136 R-136.

Muskogee, Indian Territory, January 18, 1906.

Dell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the matter of the application for the enrollment of Orrena Williams, et al., as Cherokee freedmen.

Respectfully,

Chairman.

Incl. S-70.

Cherokee Freedmen

Dated.

Muskogee, Indian Territory, June 16, 1908.

Orrena Williams,

Checotah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorneys, Thomas & Foreman, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Dixby.
Chairman.

Incl. S-73
Register

Cherokee Freedmen

R-186, R-220,

Muskogee, Indian Territory, June 16, 1908.

Thomas B Freeman,

Attorneys for Orrena Williams, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting, among others, the applications for the enrollment of Orrena Williams, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-76.
Register

Cherokee Freedmen

S-156, et al.

Muskogee, Indian Territory, June 16, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications for the enrollment of Elisha Harlin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-77

Y

Cherokee Freedmen
R-156, et al.

Muskogee, Indian Territory, June 16, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Henry Harlin, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1908, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications for the enrollment of Elisha Harlin, et al., as Cherokee freedmen.

Respectfully,

Tams Bixby,
Chairman.

Incl. 3-78.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen, [illegible]

[illegible]

Muskogee, Indian Territory, December [illegible], 1905.

Sarah Williams,

Checotah, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of December 13, in reference to your right to enrollment as a freedman citizen of the Cherokee Nation.

Your letter has been noted and filed.

You are advised that on June 16, 1905, the decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and minor children as Cherokee freedmen, was forwarded to the Secretary of the Interior for his review and decision. You will be advised of the action of the Department as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

LS

Cherokee Freedmen

Dockets.

Muskogee, Indian Territory, November [illegible], 1906.

Katy Fishtail,

Care of Sam Irven,

Vann, Indian Territory.

Dear Madam:

This office is in receipt of a letter of October 31, from Sam Irven, of Vann, Indian Territory, written in your behalf, asking to be advised what steps to take in order for you to secure a rehearing in your Cherokee freedman enrollment case.

In reply you are advised the records of this office show that the decision of the Commission to the Five Civilized Tribes, rejecting your application for enrollment, was approved by the Secretary of the Interior on July 27, 1904. The action of the Interior Department is final.

If you have, since a decision was rendered in your case, discovered new evidence that is material to your case you may so advise this office, stating in detail the nature of the same you desire to introduce in the event your case is reopened, having the same supported by affidavits of the persons whose testimony you desire to introduce, showing what facts you expect to prove by them. You will be required to serve on the attorneys for the

Cherokee Nation copies of all papers submitted. Upon receipt of the above, the case will be forwarded, with recommendation, to the Secretary of the Interior for action thereupon.

Respectfully,

James Kirby.
Commissioner.

18

[illegible]

[illegible] Department.

[illegible] Commission, [illegible]

[illegible]

Superintendent to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the contest of [illegible] for the allotment of Choctaw freedman by Simon Harris, [illegible] and his minor children, Minnie, William, Catherine, Lenora, [illegible] Maria Harris by Orsha Williams for herself and her minor children, Willie, Anna, Alfred, Erlenia, and Eugene Williams, and by Frank Harris for himself and his minor child, William Harris.

Reporting June 27, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be affirmed.

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes dated June 16, 1905, is hereby affirmed.

Respectfully,

Thomas R. Wilson

Assistant Secretary.

Cherokee 3.
3. 2020.

COPY

Muskogee, Indian Territory, July 5, 1906.

Orvena Williams,
Chouteau, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting, among others, your application for the enrollment of yourself and children, Willie, Anna, Alonzo, Arbeeta and Eugene Williams, as Cherokee freedmen, was affirmed by the Secretary of the Interior, June 23, 1906.

Respectfully,

Tams Bixby.
Commissioner.

LMD

Department D,
No. [illegible],

COPY

Muskogee, Indian Territory, July 6, 1906.

Thomas A Foreman,
Attorneys for Orrena Williams, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications of Orrena Williams, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, June 23, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby.
Commissioner.

Incl. C-41
LMB

Cherokee E.
E. 1[illegible] et al.

Muskogee, Indian Territory, July 6, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications of Elisha Harlin et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, June 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby.
Commissioner.

Incl. C-39
LMC

Trans. from Cher Fr Memo No 22

See Cher Fr R 328

Cher Fr R 329

3/1122
CFR-329

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible]

In the matter of the application of Frank Harlan for the enrollment of himself and child as Cherokee Freedmen. The said Frank Harlan, being duly sworn and examined by this Commission, testified as follows:

Q What is your name? A Frank Harlan.
Q How old are you? A 22 years old.
Q What is your postoffice address? A Vinita I am every hope, but I live at Tahlequah.
Q Through your application herein, you claim to be a Cherokee Freedman? A Yes, sir, on my father's side.
Q Do you want to enroll another besides yourself? A Well I want to enroll my sisters and mother.
Q Have you got any children of your own? A Yes, sir, one.
Q What is his name? A William Harlan.
Q How old is he? A It's two.
Q Your sisters and mother will have to apply for themselves? A Yes, sir.
Q This child William living? A Yes, sir.
Q Who is his mother? A His mother was Mary, she's dead.
Q What was she? A She was a state raised person.
Q What is the name of your father? A Henry Harlan.
Q Is he living or dead? A He's dead.
Q What is the name of your mother? A Mary Harlan.
Q Is she living or dead? A She's dead.
Q Have you ever been recognized as a citizen of the Cherokee Nation? A No, sir, I never was, but my father he put the card in for us, and I was just waiting for him to go in as he did, and I was at Hayden when he sent you all there.
Q How long has he been dead? A Well we think the most following week, 6th of August, after he sent you all up there.
Q What year was that? A Last year.
Q Did you ever apply to this Commission? A Yes, sir, up there at Hayden. - Not Hayden, I mean Muskogee, he was up there at the time they applied up there.
Q Did you ever go by any other name besides Harlan? A No, sir, only without my father belonged to Hilton's ever here, and then he was set free.
Q Got any children named Simeon and John and Anna? A No, sir.

Tribal rolls of the Cherokee Nation examined, and neither the applicant nor his child are identified thereon.

Frank Harlan applies for the enrollment of himself and child as Cherokee Freedmen. He is not identified upon any of the tribal rolls of the Cherokee Nation in the possession of this Commission. He avers that he has never been recognized as a citizen by the tribal authorities. His application comes within the provisions of the temporary injunction recently granted by the Judge of the United States District Court for the Northern District of the Indian Territory. Consequently, the application which he makes for the enrollment of himself and child as Cherokee Freedmen will be listed for rejection.

[illegible]

Henry Lakemingo, being duly sworn, stated that as Cherokee Ho the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 15 1902
Acting Chairman

Washington, D.C.

1. Frank Harlan — 30

Occupation

Year Page No. District

Parents: Henry Harlan

Emma

2. Name of wife

Occupation

Year Page No. District

Parents: Father Elsie Harlan

Mother

Name of husband: William Harlan

Occupation

Occupation

Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by

Stenographer

FILED
JAN 1 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen B 3[illegible]-0

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, Aug. 18, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ORRENA WILLIAMS, ET AL., as Cherokee freedmen.

APPEARANCES:

Applicants appear in person and by attorney, Grant Foreman. Cherokee Nation by its representative, W. W. Hastings.

JERRY MARTIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jerry Martin.
Q How old are you? About 58 or '9 to the best of my judgment.
Q What is your postoffice address? A Okfuskee.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the principal applicants in this case, Orrena Williams and Frank Marlin? A Yes, sir.
Q When did you first get acquainted with them? A I couldn't tell you; it has been a good while.
Q About how long ago? A They were small boys; Orrena was a little girl.
Q Before the war? A No, sir.
Q After the war? A Yes, sir.
Q What relation are they to each other? A Sisters I guess they are; they are sisters and brothers, children of Henry Wilson's; Henry Marlin belonged to the Wilson's.
Q How long after the war was it when you first got acquainted with them? A This little girl was a little bit of a thing, and I couldn't say it was his child, but he claimed it was his child just right after the war.
Q Was the father of these people, Frank Marlin and Orrena Williams, a Cherokee freedman, do you know? A Before the war he belonged to Miss Isabella.
Q Isabella who? A Wilson.
Q Was she a Cherokee citizen by blood of the Cherokee Nation?
A Yes, sir.
Q Do you know who was their mother? A I couldn't tell you.
Q You don't know whether she was a slave or not? A I couldn't tell you.
Q Where were these applicants living when you first knew them after the war? A The girl was up on Grand river a piece, and the boy I saw him all around, at Tahlequah, and around.
Q Do you know how long after the war that was? A I can't exactly give you the exact date.
Q Was it a year or five years or fifteen years? A It wasn't fifteen years.
Q Was it ten? A After the war?
Q Yes. A Less than that.
Q Five years after the war? A To the best of my judgment it was about ~~xxxx~~ that.
Q Do you know where they have continued to live since that time?
A They was just rambling about in the Nation here, and I expect out of the Nation; I couldn't just tell where the home was in the Nation and out of the Nation to the best of my judgment.

Q Did their father go out of the Cherokee Nation at the commencement of the war? A His mistress took him off.
Q Where to? A I didn't go; I can tell you where she said.
Q You needn't tell what.
Q When did you first see him in the Cherokee Nation after the war? A '66.
Q What time? A Either in the spring or in the summer, right at Gibson.
Q Fort Gibson? A Yes, sir.
Q Was he living there? A He came to Gibson and me and him went up Grand river together.
Q Do you know who he came back to the Cherokee Nation with? A No, sir.
Q Do you know whether he continued to live in the Cherokee Nation from that time until he died? A I couldn't tell you that at all. I went off and listed in the army.

By Mr. Foreman:
Q When did you first see this child, Orrena Williams? A She was a little bit of a child.
Q When did you first see her? A It was up the river there, I think in Saline district.
Q Was that when you first saw her father, was it the same time? A It was a few days afterwards.
Q That was directly after his return from where he went during the war? A Yes, sir. This was his child, he claimed it was his child, and I give him 25 cents to get some bread.
Q Do you know when Orrena Wilson's father left the Cherokee Nation, when did he go away? A I couldn't tell you that; I was in the Army, but when I saw him again I saw him in the Cherokee Nation and have been seeing him on up until he died in the Cherokee Nation.

By Mr. Hastings:
Q Where did you see him before the war, Jerry? A Who?
Q The father of these applicants? A Saline district.
Q Before the war? A He is aunt Lucinda's child.
Q How long before the war was it that you saw him? A I just could not tell you that.
Q As much as ten years before the war? A I don't think it was, but I couldn't tell you.
Q Don't you know that this man was taken to Texas by his owner years before the war and was living there when the war came up? A I know they went there.
Q Years before the war came up? A No, sir, I don't know about that.
Q As much as 10 or 15 years? A I know they got away from here.
Q How long was it before the war that you last saw Henry Wilson in the Cherokee Nation? A I couldn't tell you.
Q Haven't you any idea? A I just couldn't tell you, I had no chance to know these things.
Q Do you know what this year is? A Yes, sir, I do.
Q Do you know what year the war came up? A It came up in '61.
Q Don't you know how long before that it had been since you saw Henry Wilson? A I have told you I don't know, not exactly.
Q About how long? A If I use about I might use hearsay.

By the Commission:
Q As to your best knowledge? A Well, four or five years.

By Mr. Hastings:
Q It had been four or five years since you had seen him? A It may have been.

Q Will you swear positively that you had seen him in ten years before the war? A I couldn't swear that before I come here, I have got to have my recollection to what I swear to, I was small.
Q How old are you now? A I am in 50, maybe 57 or 58, I can't tell and be positive to it.
Q Do you know about how old Henry Wilson was when the war came up? A No, sir, he was older than I was.
Q You say Orrena Williams was born after the war? A I don't know, she couldn't have been, I think in time of the war from the best of my knowledge.
Q What was her mother's name? A I just stated that I didn't know her mother.
Q Didn't know her mother? A Her mother was in Texas, I wasn't there.
Q Was Orrena born in Texas? A When I saw her she was a child, like that.
Q You make her two or three years? A Well I don't know.
Q About how old was she when you first saw her? A I didn't ask.
Q And you formed no idea? A I expect may be two, maybe older.
Q That is the best of your judgment, about two years old? A Yes, sir.
Q Just beginning to talk? A I didn't talk to her.
Q You never heard her talk any? A No, sir.
Q You never heard her talk to her father any? A I went where she was and went on about my business.
Q Where was her mother? A I don't know, he said she died in Texas. I don't know.
Q Is this Frank Harlin a brother of Orrena? A I never was in Texas.
Q Is he or do you know? A I know one thing, Henry Harlin claims them as his child and Frank was Henry Harlin's child, and Frank was, but I don't know about the mothers.
Q And she died in Texas? A Thats what he said.
Q He said their mother died in Texas? A Yes, sir.

Mr. Foreman: We object to that as hearsay.
Commission: Objection noted.
Q That is what the father told you? A He said it was his child.
Q You said that Henry Wilson, the father of Orrena Williams and Frank Harlin, when you first saw him after the war, had this girl with him and he told you that the girls mother was dead, and that she died in Texas, is that true?

Mr. Foreman: We object to that.
Commission: Objection noted.
A Henry Wilson told me that Frank's mother died in Texas.
Q Did he tell you that when you first saw him there with these children after the war? A I didn't make any in quiry and since that time I learned these things.
Q You saw him with this baby girl after the war, didn't you? A I went with him to the house where the child was.
Q At whose house? A A woman by the name of Mahaley.
Q Mahaley is dead? A Yes, sir, I can take you to her grave.
Q There you found Orrena? A Yes, sir.
Q Did you find Frank? A No, sir.
Q Where was Frank then? A I didn't say I saw Frank at the close of the war.
Q You didn't say that? A I said some years after the war.
Q Where did you live at that time? A How could I see Frank before he was born?
Q Then Henry must have gone back to Texas? A I told you I listed
Q Where did you join the Army? A Here at Gibson.
Q How long did you see Henry Wilson around Gibson? A I worked at the Butler store and Henry Wilson was there and that Spring or along in the summer when the water got so we could travel we went off, went up Grand river, in '66.
Q Spring of '66? A Yes, sir.

Q How long after that till you saw him again? A I went into the Army and stayed 17 years.
Q And you never saw him for 17 years? A When I came home I saw him.
Q Did you see him for 17 years after you went up on Grand river?
A How could I?
Q Did you? A I did not.
Q Then after the spring of 1866 you never saw Henry Wilson for 17 years, is that correct? A For 18 years.
Q You said 17 years? A Three enlistments of five years each, 18 years.
Q You never saw him for 18 years then? A No, sir.
Q You never saw the girl for 18 years? A I couldn't.
Q You didn't did you? A No, sir.
Q That was 18 years from the spring of 1866? A Yes, sir.
Q Now, where did you see Frank Harlan? A Saw him all about.
Q Who was he with? A Lad of a boy, running about.
Q Who was with him? A Himself and sometimes at his father's.
Q When did you see him at his father's? A When he was a small boy.
Q Five or six years after the war? A He wasn't born; he ain't no 40 years old.
Q When did you see him at his father's after the war, about how long after the war? A He was a good big boy.
Q The best of your judgment about how long after the war was it that you saw this Frank Harlan at his father's house in the Cherokee Nation? A That is hard for me to tell.
Q Give us your best judgment? A About 17 years.
Q That is the first time you saw him after the war? A Yes, sir.
Q That is your best judgment? A Yes, sir.
Q You don't know where he was born? A No, sir, I don't know.
Q You don't know who Henry Wilson came here with? A No, sir.
Q You don't know who brought him back here? A No, sir.
Q You didn't see Orrena Williams' mother here at all? A No, sir.
Q Never did see her? A No, sir.
Q Did he tell you at the time you saw Orrena Williams in the spring of 1866, where Orrena's mother was? A No, sir.
Q You didn't see her? A No, sir, I didn't, didn't know her.
Q You didn't talk with him about where her mother was? A No, sir.
Q Never heard him say? A No, sir.
Q Orrena was about two years old then? A Yes, sir, I reckon.
Q That is your best judgment? A Yes, sir, he says, "Give me two bits to get my baby some bread," and I give it to him, and I listed and went to the Army and I have told you the truth.
Q But you never saw Frank at all until about 17 years after the war?
A That is my best judgment.
Q Did Frank ever tell you where he was born? A I didn't ask.
Q You say Orrena was born during the war? A I said I reckon, I don't know.

COLUMBUS McNAIR, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Columbus McNair.
Q How old are you? A 55.
Q What is your postoffice address? A Vinita.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, Orrena Williams and Frank Harlan? A Yes, sir, I have met the lady, met her when she was small.
Q Do you know Frank Harlan? A Been with him a few times.
Q When did you first meet these people? A I saw her in the State of Texas, when she was small.
Q When was that? A During the war.
Q During the Civil War? A Yes, sir.

Q About how old was she then? A I don't know exactly; small.
Q Ten years old or 15 years old? A I couldn't say.
Q To the best of your knowledge? A I couldn't say to the best of my knowledge.
Q Can you give an idea? A No, sir, I couldn't.
Q Do you think she was a hundred years old? A No, sir, I think not.
Q Ten years old? A Yes, sir, maybe older, I couldn't say.
Q Was she grown? A No, sir, she wasn't grown.
Q How old are you now? A I am 55.
Q Do you think she was older than you? A No! sir.
Q Was she about your age? A I don't know.
Q Do you know anything about this case? A Yes, sir, I know the parties, I knowed her father, I met him in Texas.
Q Who is the father of these people? A Henry Wilson.
Q Was he the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did he belong to? A First to Frank Thompson. His daughter married a man by the name of Wilson.
Q When did you first see these people in the Cherokee Nation after the war? A I couldn't remember what year it was; several years after the war, though, I met them.
Q Where were they living then? A No certain place, just travelling around.
Q Has she got any children? A I don't know.
Q Has Frank? A I don't know.
Q Do you know where they live now? A No, sir, I don't.
Q Do you know where they came to when they first came to the Cherokee Nation after the war? A I don't know.
Q Was Frank born in Texas? A I don't know.
Q How old is he now? A I don't know.
Q Was Frank born before the war? A I don't know.
Q Was Orrena born before the war? A I reckon about the time of the war.
Q But you don't know? A I went to Texas in '62, and she was born when I got there.

By Mr. Foreman:
Q Did you know the father of Orrena Williams before the war? A I knew him in time of the war.
Q Did you know him before the war? A No, sir, I don't know him until I went to Texas.
Q Where did you go to Texas from? A From the Cherokee Nation.
Q Where did you live then? A Up here on Grand river in Saline district.
Q When did you go to Texas? A In '62.
Q Was it there on your arrival that you met the father of Orrena Williams? A Yes, sir.
Q How long had he been there then? A He went there, I guess, when old Frank Thompson moved there.
Q During the war? A Before the war.
Q How long? A I am not able to say.
Q When did the father of Orrena Williams return to the Cherokee Nation? A I don't know.
Q When did you return? A In '66, myself.
Q Did you ever see him then after you came back? A Yes, sir, after I got back, I met him.
Q When did you first meet Frank Harlan? A The first time I met him was here in Muskogee. I met the sister several times up at Vinita.
Q Do you know where Frank Harlan was born? A No, sir, I don't.
Q Do you know who is the father of Frank Harlan? A Henry told me he had a son by the name of Frank.

Q. Was Henry Harlan the father of Frank Harlan? A. He claimed him as his son.
Q. Who did you say owned Henry Harlan during the war? A. When I first knew him?
Q. Yes? A. A man by the name of Wilson. His former owner was Frank Thompson.
Q. Did he belong to Mrs. Wilson? A. Yes sir.
Q. Was she a Cherokee citizen? A. Yes sir.
Q. Do you know when she went to Texas? A. A. No sir, I don't. She was a niece of my mistress.
Q. Where did she live in the Cherokee Nation? A. Who, my mistress?
Q. No, Mrs. Wilson? A. I don't know. Up there on Beatty's prairie I suppose. I don't know exactly where abouts in the Cherokee Nation she did live. I never got acquainted with her till after she went to Texas.

By Mr. WASHINGTON:

Q. You know that old man, Frank Thompson, sold his place up there to John Stover, my grandfather, and it is the same place where my mother now lives, and they went to Texas 15 years before the war? A. I know that they went to Texas, but I do not know what time. It was a number of years before the war. I couldn't say. I was small when the war come up.
Q. You never saw Frank Thompson in the Cherokee Nation? A. No sir.
Q. And never saw his daughter in the Cherokee Nation? A. No sir.
Q. All you knew of her was in Texas? A. Yes sir.
Q. They had houses and farms there when you knew them? A. Yes sir.
Q. And your niece, his wife, had lived there some time before then? A. Yes sir.
Q. And Frank Thompson died there? A. Yes sir.
Q. And this same Wilson and his wife died there? A. Yes sir.
Q. And were citizens and residents there when you knew them? A. Yes sir.
Q. And you never saw Henry Wilson in the Cherokee Nation before the war? A. No sir.
Q. About what time did you see Frank Harlan here in Muskogee after the war, first? A. The first time I saw Frank must have been 6 or 7 years ago.
Q. Did you have any talk with him? A. No sir.
Q. You do not know where he was from? A. No sir, only his father said he had a son named Frank.
Q. Did not he say his son was in Texas? A. No sir.
Q. Where did you see his father? A. At Fort Gibson.
Q. How many years after the war was that? A. I don't know.
Q. 10 or 15? A. It may have been, and maybe not so long.
Q. He didn't have any children with him when you saw him? A. No sir.
Q. Didn't have any wife? A. No sir.
Q. Do you know where the mother of these children died? A. No sir.
A. Do not you know she died in Texas? A. No sir.
Q. Do not you know that Frank Harlan was born in Texas? A. No sir.
Q. You were living around Fort Gibson in 1866 and '67? A. I never came there until spring.
Q. What spring? A. '66.
Q. Did you stay there the rest of the year of 1866 and 1867? A. All the year of 1867.

Q. How about the rest of the year of 1866? A. I wasn't there regularly. Was on Grand River and one place and another, but in 1867 I was there all the time.
Q. But you never saw Henry Wilson for a number of years after the war? A. No sir.
Q. Was it as much as 10 or 12 years after the war? A. It may have been. I don't know.
Q. Is that your best judgment? A. I don't know. I could not say. It may have been that long, and it may have been earlier.
Q. It couldn't have been much earlier? A. Not much earlier.
Q. You never did see his wife after the war? A. No sir.
Q. When did you tell me you saw Orrena? A. I saw her ---it was several years after the war.
Q. How many years ago now since you first saw her? Six or seven years ago? A. Yes sir, I guess it was that long.
Q. Where did you see her then? A. When I remember of seeing her was at the time of the Freedman Payment at Gibson?
Q. That was the Dixon Payment, eight years ago? A. Yes sir.
Q. That was the first time you saw her? A. Yes sir.
Q. When you saw her in Texas during the war what is your best judgment as to her age? A. I do not know.
Q. When you see a child playing around you can form some kind of an idea? A. I was a boy myself and had no judgment about it.
Q. Was she old enough to talk when you first saw her? A. Yes sir.
Q. Would you judge she was three or four years old? A. It may have been.
Q. How old? A. I couldn't say.
Q. You mean about 3 or 4? A. I don't mean when I first went down there?
Q. That is what I want to know --when you first saw her down there I want to know your best judgment of your age? A. A. When I first went we stayed at Frank Thompson's place.
Q. Did he have a farm there? A. Yes sir.
Q. How big? A. I couldn't tell you.
A. A thousand acres? A. I couldn't tell you.
Q. Did he have houses and stock? A. Yes sir.
Q. Old man Wilson, also? A. Yes sir.
Q. Did he have stock? A. Yes sir.
Q. You never told us about how old this girl was when you first saw her down there? A. I don't know. I come up there and went back to Rusk County, and I couldn't tell how long it was.
Q. When you talked to Henry Wilson here when you first saw him after the war, some 8 or 10 years, he told you he had some children? A. Yes sir.
Q. Did he say he had a girl? A. Yes sir.
Q. Where did he say his girl was? A. He didn't say.
Q. Do you mean to say that he told you about them and didn't say where they were? A. He went before a Notary and wanted me to testify about him being a freedman.
Q. When was that? A. About the time of the payment.
Q. That was the first time you saw him after the war? A. Yes sir.
Q. What payment was that? A. The Dixon Payment.
Q. That was the first time you saw him after the war? A. Yes sir.
Q. Don't you know that was in 1897? A. I don't know.
Q. What did he want you to testify to? A. To the truth.
Q. Where did he say his children were then? A. He didn't tell me.

Q. They were not there? A. No sir.
Q. That is the first time he told you he had some children? A. Yes sir, and I saw this lady afterwards at Vinita.
Q. And that is the first time you saw her? A. Yes sir.
Q. He never pointed out this woman as being his child? A. No sir.
Q. And never pointed out Frank? A. No sir.
Q. You have been about Mt. Gibson more or less all your life and about Vinita and Grand River more or less all your life? A. Yes sir.
Q. And they are settled more or less with colored people? A. Yes sir.
Q. And you have testified that you never saw Henry Wilson until during the Dixon Payment? A. Yes sir.
Q. And never saw Frank Harlan and Orrena Williams until after the Dixon Payment? A. Yes sir. I never saw her till after the payment.
Q. Then did you see Frank? A. Here in Muskogee.
Q. I said when? A. I do not know.
Q. This morning? A. Before this.
Q. Then? A. Maybe a year or so ago.
Q. You never saw Henry Wilson around Gibson before the Dixon Payment? A. No sir.
Q. You know everybody that lived around there? A. Yes sir.
Q. Well acquainted with the colored people living there? A. Yes sir.
Q. Knew all the old citizens? A. Yes sir.
Q. Inasmuch as you knew Henry Wilson in Texas before the war he could not have lived around Gibson in 1867 without you seeing him, could he? A. No sir, it looks that way.

WITNESS EXCUSED.

Jerry Martin, being first duly sworn, testified as follows: in additional cross examination.

Mr. Hastings:

Q. Uncle Jerry, did you and Henry Wilson stay all night with Columbus McNair, this other witness, at the time you stated you went up on Grand River, just after the war? A. We stayed with some man. I think it was him.
Q. You know Columbus McNair, this other witness? A. Yes sir.
Q. Did you stay all night with him on that trip up there? A. We stayed several places.
Q. Did you stay with him? A. We stayed with so many. It has been along time, and I think we stayed with him.
Q. You remember seeing Columbus on that trip, do you? A. Yes sir.
Q. You feel positive about that? A. I saw him to the best of my knowledge, but to say positively, it has been too long a time.
Q. At whose places did you stay on that trip? A. At some places we camped.
Q. Those are not the places I am inquiring about. Who did you stay all night with? A. With Dabbs.
Q. He is already dead, is he not? A. I don't know. I haven't seen him for years.
Q. Where do you live? A. I live in Canadian District.
Q. You have not seen him for years? A. No sir.
Q. Who did you stay with? A. I don't know.

Q. Don't you remember staying out night with Columbus Stuart?
A. We stayed up on the prairie.
Q. Who else? A. With some colored people.
Q. Who? A. I just don't know who.
Q. Did you see Columbus Stuart on this trip? A. Yes sir, we saw him to the best of my judgment.
Q. That is the trip you went to Grand River on with Henry Gibson after you saw him here? A. Let me tell you the truth. After we went up Grand River we went up to Spavinaw and played around and then we went over on Beatty's prairie and knocked around.
Q. Who did you see at Beatty's prairie? A. I couldn't tell you all the people I saw.
Q. That is where I was born and I would like for you to tell me one person you saw on Beatty's prairie? A. I saw Lynch.
Q. What Lynch? A. I couldn't tell you that.
Q. A colored man? A. A Cherokee.
Q. By the name of Lynch? A. Yes sir.
Q. Don't you know there was never a Lynch lived on Beatty's prairie after the war? A. It was right after the war, and they were right there.
Q. Where did you stay over there? A. I went on out on Big Creek, out in Tahlequah District and left the old man on the west side of Grand River, and went on about my business.
Q. Do you remember anybody that you stayed all night with on that trip? A. I would know them if I would see them, but to call their names, I can't do it.
Q. Did you go through the town of Vinita then? A. No sir.
Q. Did you go through any town out there? A. I went to the town of Mingo, what is called Mingo Creek, and went from there and broke some horses and come on back to Gibson and enlisted in the cavalry.
Q. Who lived on Mingo? A. Nobody hardly then. There wasn't a house there at that time --- nothing but ranches.
Q. Who had a ranch there? A. Bill Halsell. He lived on the west side of Bird Creek at that time. He had no ranch there at that time. I helped him move his cattle away after I come back out of the army.
Q. Who did have one? A. I think it was Miller.
Q. You do not know his first name? A. .I don't know. I think it was Miller.
Q. You never went through any towns on this trip? A. I never saw none.
Q. What did you go up on Beatty's prairie for? A. Just knocking around.
Q. Who did you go up there to see? A. No individual person.
Q. You never found any colored people up there, did you? A. A few.
Q. Who? A. Aught Lynch.
Q. On Beatty's prairie? A. Yes sir.
Q. Don't you know he never lived there? A. Yes sir.
Q. Do you swear he lived there after the war. A. I saw him there. He lived in a house.
Q. At whose house did you see him? A. It was an Indian's house, and I never asked him. You know, I hadn't the privilege to walk up and ask his name.
Q. You stayed all night at houses all along on this trip and do not remember any of them? A. Yes sir, and out of houses .
Q. How long were you gone on this trip? A. I don't know.
Q. Were you gone three days? A. More than that.
Q. About how many days? A. We went by Carey's Ferry and crossed there.

Q. [illegible] Dorsey? A. [illegible] sir.
Q. [illegible] A. [illegible]
Q. [illegible] A. [illegible]
Q. [illegible] A. [illegible]
Q. Where was he when you crossed there? A. [illegible] There was [illegible] on his way and I went on about my business.
Q. [illegible] A. I couldn't be positive.
Q. Is that your best judgment? A. I couldn't be positive. Not positive, I am afraid to say.

[illegible]
Q. [illegible] Harlan lived after the war? A. I know he lived at Gibson, and know he lived at Tahlequah [illegible] a traveling [illegible]. He lived at Colbert Station [illegible], and all around up in here. I believe he stayed [illegible] a while.
Q. He didn't live at any one place? A. He was a traveling [illegible].
Q. [illegible] live at any one place? A. No sir.

Mr. [illegible]:
Q. [illegible] live here or anywhere at all until 15 years after the war, did you? A. When I came back out of the army I was with his father and so.
Q. That is what you are testifying to now? A. Yes sir, of course it is.

[illegible].

Orrena Williams, being duly sworn, testified as follows:

BY COMMISSIONER:
Q. What is your name? A. Orrena Williams.
Q. How old are you? A. About 45.
Q. What is your post office address? A. Checotah.
Q. You are the applicant who has applied here for the enrollment of yourself and five children as Cherokee Freedmen? A. Yes sir.
Q. What was the name of your father? A. Henry Wilson, but he went, after the war, by his father's name, Henry Harlan.
Q. What was the name of your mother? A. Emma Harlan.
Q. Are your parents both dead? A. Yes sir.
Q. How long has your father been dead? A. About three years this August, I think.
Q. How long has your mother been dead? A. I don't know, sir. She died quite a while ago.
Q. Were both your father and mother slaves of Cherokees ever since before the war? A. No sir. My father was, my mother wasn't.
Q. Your mother was a state woman? A. Yes sir.
Q. Who did your father belong to? A. Wilsons.
Q. Were they recognized Cherokee citizens? A. Their children were living in the Nation. They are dead.
Q. They are recognized citizens, are they? A. I suppose so.
Q. Do you remember anything about the war? A. No sir.
Q. Were you born after the war? A. My father said I was born in '61, and that must have been about the time of the war. I do not remember.
Q. Where were you living when you first remember? A. I remem

[illegible] when he moved to one place, and he said that was Texas. I just knew we moved [illegible] to all I know.

Q. About how old were you when he moved to Texas? A. I don't know sir, quite small.

Q. How come know? A. I must have been at least three or four years old. I just remember moving. I did not have one place. I just knew we moved.

Q. Do you know where you moved? A. He said we come from the Nation.

Q. You are stating what your father told you. I asked you where you lived when you first remember? A. It must have been in Texas. I remember we moving when I was small.

Q. When do you first remember of being in the Cherokee Nation? Where were you? A. The first I can remember being in the Cherokee Nation was on Snow Creek.

Q. About how long after the war was that? A. I don't know. I was small.

Q. Who were you living with there? A. My father left me there when I was small and I stayed first with one person and then with another. I was small and don't know no certain place.

Q. How much older are you than your brother Frank? A. I must be about maybe 10 or 12 years older, a good many years older.

Q. Where was he born? A. I don't know. My father left me here when I was small. He traveled about, and left me on Snow Creek and I don't know just where Frank was born.

Q. Who did he leave you with? A. An old woman up on Snow Creek --Aunt Polly Ryder, first one person and then another-- with an old lade named Aunt Harriet.

Q. Where do you live now? A. Down here near Pine Hollow.

Q. In the Cherokee Nation? A. Yes sir.

Q. How long have you been living there? A. I have been living around in there three or four years.

Q. Where did you come from to that neighborhood? A. From the Seminole, near Wewoka.

Q. How long had you been living there? A. Just a little while

Q. Where did you go from down there? A. Up on Snow Creek.

Q. Cherokee Nation? A. Yes sir. Have lived the most of my time, since father brought me here, in the Cherokee Nation

Q. Who is the father of these children for whom you have made application? A. John Williams.

Q. Is he a state man? A. Yes sir.

Q. Makes no claim to being a freedman? A. No sir, he is a state man.

Q. Is he living now? A. Yes sir.

Q. When were you married to him? A. We have been married 20 odd years.

Q. Where were you married? Up on Snow Creek? A. I met him there.

Q. Who married you? A. A colored minister.

Q. Did you get a license? A. No sir. We didn't have no license. People didn't have no license then. We just married

Q. Where has Frank been living since his birth? A. Frank has lived around here in the Nation--sometimes at Tahlequah and sometimes here, and he lived down below where I am living now a while --- not the same place I am living, but near.

Q. He and you have the same father and mother? A. Yes sir.

Q. You do not know where he was born? A. No sir. I wasn't living with them when he was born.

Q. When did you first see him after his birth? A. He was a little boy.

Q. About how old? A. He must have been 3 or 4 years old before I saw him.
Q. Where was he then? A. With father.
Q. Where were that? A. Father was at a big meeting, and had him.
Q. Where was that? A. I don't know.
Q. In Arkansas? A. No sir, here in the Nation somewhere.

MR. [illegible]

No questions.

MR. [illegible]

Q. Is Frank your full brother? A. We have the same father and mother.
Q. Where did your mother die? A. I think father said she died in Texas. I wasn't with them.
Q. Where was Frank born? A. I don't know. I wasn't with them when he was born.
Q. You never drew any money in the Cherokee Nation? A. No sir.
Q. Where were you when Mr. Wallace made a roll? A. I don't know.
Q. Wasn't in this country? A. Yes sir, but I don't know any thing about the Wallace roll.
Q. You never applied to him? A. No sir, I reckon my father did. I depended on him.
Q. You were married and had a good many children born in 1898, were you not? A. I had a child born in 1884.
Q. You never applied to the Wallace court? A. No sir, never applied to any one at all.
Q. You never applied to the Kerns-Clifton Commission in 1896? A. No sir, never applied to any of them at all.
Q. Still, you claim you have been in this country all the time? A. Yes sir, I was waiting for father to prove his right, and I thought mine would be too.
Q. But your father never proved his? A. No sir, he died. He went to Newton and applied there and was going to get his witnesses and go back, but he went home and got sick and never went back, and I was waiting on him.
Q. Who married you? A. It was a minister.
Q. That is rather an important event in a person's life, and if you and I are going to get along we have got to have some sort of answers? A. Yes sir.
Q. You do not know his name? A. No sir.
Q. You never heard it? A. Af heard it, but I don't remember it.
Q. Preaching around there, was he? A. Yes sir.
Q. Do you know what became of him? A. No sir.
Q. With whom were you living when you were married? A. With this Aunt Polly Kenney.
Q. Is she dead now? A. I don't know whether she is or not. I haven't been up there for a good bit.
Q. How long had you been living with her when you were married? A. I don't know. I stayed at several places.
Q. She was the other place? A. Aunt Polly sometimes.
Q. How long had you been staying with Aunt Polly when you got married? A. Often and on ever since I was a little girl.
Q. About how many years you with her? A. Sometimes pick you and sometimes with another.
Q. Were you with her a month? A. Yes sir, longer.
Q. [illegible]

Q. Who was the other? A. Aunt Harriet.
Q. Harriet Who? A. Aunt Harriet Laridy. I called her aunt.
Q. You stayed with a woman you called aunt and don't know her name? A. Yes sir, I called her aunt Harriet.
Q. Don't you know there was no person living up there in Tawasa-cocoso District by that name? A. I lived with an old lady named that.
Q. Do you swear that? A. Yes sir.
Q. Where did she live? A. On Snow Creek not very far from Jack Rogs'.
Q. Was there any town near there? A. Not right there.
Q. Did you ever hear of a town while you were up in there? A. Yes sir, I used to go sometimes to Coffeeville, but don't know if it was the nearest town or not.
Q. What direction were you from Coffeeville? A. West, I think.
Q. Were you toward the sunset from Coffeeville? A. I don't remember about the direction, but I think it was west.
Q. If you lived up there you do not pretent to tell this Commission that you do not know which direction you lived from the town of Coffeeville? A. I think it was west.
Q. Was it towards the sunset? A. I think it was west from Coffeeville.
Q. Do you know whether it was townrd the sunset or not? A. I do not know whether it was or not, but it was west.
Q. How long did you live there? A. I do not know, sir, how long, all told. It must have been 8 or 10 years.
Q. And yet you do not know where you lived at? A. Yes sir, I told you.
Q. You do not know whether you lived towards the sunset or not, do you? A. It was west, I think.
Q. Are you sure? A. I am almost.
Q. Don't you know Snow Creek is east from Coffeeville? A. No, I lived on Snow Creek.
Q. Don't you know that Snow Creek is east from Coffeeville, and rises up there east of Coffeeville? A. Yes sir, I know it comes into the Cherokee Nation, I don't know where it rises.
Q. What stream does it go into? A. That river there.
Q. Grand River? A. No sir.
Q. Arkansas River? A. No sir, I think not.
Q. Verdigris river? A. I think so.
Q. Are you certain? A. I don't know.
Q. Did you ever hear of the Verdigris river up there? A. Yes sir. It goes in with some river, I reckon.
Q. You do not know what direction Snow Creek flows, do you? A. No sir, never paid any attention to it.
Q. Lets get at this Harriet Laridy. What was her husband's name? A. His name was Green Laridy or Larity.
Q. You are not certain about that? A. His name was Green.
Q. What became of that couple? A. I don't know. This Green killed a man up there and I think he was arrested.
Q. Did they have any children? A. Yes sir, had three.
Q. What were their names? A. I don't remember their names.
Q. Where was your son, Willie, born? A. Up there.
Q. At whose house? A. At Aunt Polly's.
Q. Polly Ryder's? A. Yes sir.
Q. Right in her house? A. Yes sir.
Q. Who was present at that time? A. Several people there
Q. Who? A. I don't remember now.
Q. What was Aunt Polly Ryder's husband named? A. I don't remember that.
Q. Did she have any other family? A. Some children.

Q. What were their names? A. I don't know. She had seven children.
Q. You don't remember their names? A. No sir.
Q. Did she live on Bees Creek? A. Yes sir.
Q. That side of Bees Creek? A. I don't know.
Q. How far from Bees Creek? A. I don't know just how far.
Q. Who was her nearest neighbors? A. I don't know.
Q. You never saw a neighbor of hers? A. Yes sir.
Q. What direction did she live from Coffeeville? A. Same direction as Bees Creek.
Q. Far that west of Coffeeville? A. I don't know.
Q. Did you ever go to Coffeeville? A. Yes sir I have been there.
Q. When is the first time you ever went there? A. I don't know, sir, a good many times.
Q. After you were married? A. Yes sir, and before, too.
Q. Where was Anna born? A. Up there, too.
Q. At whose house? A. At Aunt Harriet's.
Q. Where was Alonzo born? A. Up there.
Q. At whose house? A. At Aunt Sarah Ross'.
Q. Where was Arlesta born? A. Near Tenaxy.
Q. Where was Eugene born? A. He was born over there, too.
Q. You never could get anybody that ever knew you up in that Bees Creek country, could you? A. I suppose I could if I was to go up there.
Q. You never introduced one, did you? A. There was a man that was here this morning knew me up there.
Q. This Jerry Martin? A. Yes sir, and Columbus McNair.
Q. He knew you up there? A. Yes sir.
Q. That was when you first went up there? A. He saw me up there since I first went.
Q. How long has it been since you lived up there? A. It has been quite a little bit.
Q. About how many years ago? A. I guess it must have been about 14 years since I lived up there.
Q. Don't you know that you were married in Texas? A. No sir Let me tell you, I never saw Texas since I was big enough to remember.
Q. Where did your father continue to live? A. He went about and preached.
Q. Left his wife in Texas? A. He brought her here. I wasn't married in Texas. That is not true.
Q. You claim that your three oldest children were born in three separate people's houses, and that you lived around among them and you never did keep a house of your own? A. No sir, till a long time after my three children were born.
Q. What did your husband do? A. He worked about.
Q. Who for, up there? A. He mostly farmed.
Q. On whose farm? A. I do not remember him working on anybodys farm there. He used to work days work sometimes in Coffeeville.
Q. How far did you live from Coffeeville? A. Not very far.
Q. About how far? A. I haven't any idea. I don't know.
Q. You never did apply to Mr. Wallace to get money for yourself and whildren? A. No sir. because I was waiting on my father.
Q. When is the first time you ever saw Columbus McNair? A. I have seen him I don't know how many times. The first time I don't know.
Q. Did you ever see him before 1897 -- seven years ago? A. Yes sir, I saw him when I was small.
Q. He didn't see you? A. I don't know whether he did or not. I remember seeing him, all right.

[illegible]:

Q. Have you ever been enrolled upon any of the tribal rolls of the Cherokee Nation? A. No sir.

Q. Was your father ever enrolled upon any of them? A. I don't know.

Q. Have you ever been recognized in any manner as a citizen of the Cherokee Nation? A. I never applied to any. I was depending on my father.

Q. When did your father die? A. About three years ago this August.

Q. He never applied to the Dawes Commission to be enrolled? A. Yes sir, he made several trips to the Dawes Commission. I do not know whether it was the Dawes Commission.

Q. He died about three years ago? A. I think it was about three years ago.

WITNESS RETURNED.

Frank Harlan, being duly sworn, testified as follows:

Mr. Vorgan:

Q. What is your name? A. Frank Harlan.

Q. How old are you? A. 32 years old.

Q. Where do you live? A. Here in Muskogee, now.

Q. How long have you lived here? A. Been living here now about a year--about a year after the payment was over at Gibson. I do not know just what year that was, about 7 years I think.

Q. You have been living here ever since then? A. Yes sir, often and on. Been at Tahlequah and here.

Q. Where were you born? A. My father told me over here close to Gibson.

Q. Who did you wish to have enrolled here besides yourself? A. William Harlan.

COMMISSIONER:

Q. You are the person who has applied here for the enrollment of yourself and child, William, as Cherokee Freedmen? A. Yes sir.

Q. What was the name of your parents? A. My father --Henry Harlan, my mother --Emma Harlan.

Q. You are a full brother to Orrena Williams are you? A. I suppose so. I couldn't swear that I was.

Q. Where were you living when you can first remember? A. Down this side of Red River at what they called Big Handy, in the Chickasaw Nation.

Q. How long did you continue to live there? A. We lived there A. We lived there often and on, from my recollection, along about six years or more I guess.

Q. Was your sister there too? A. No, she left me when I was quite small, when I could just remember a little bit.

Q. When did you next see her after she left you when you were small? A. About three years ago.

Q. That was the first time you had seen her? A. Yes sir.

Q. You continued to live in the Chickasaw Nation --then where did you go? A. Back up here, and from here down to Gibson.

Q. Fort Gibson, Cherokee Nation? A. Yes sir.

Q. How long did you continue to live there? A. We lived there I think about four years, I guess, close on to that.

Q. Then was the first time you recollect to ever have been in the Cherokee Nation? A. Then we lived over there at Gibson. I was little. My father told me the name of the place, and I never will forget it. He said it was Gibson.
Q. How old were you? A. I guess about 3 or 4 years old.

MR. VAUGHAN:
Q. Was your sister married at your father's house? A. I suppose so. I don't know exactly whether she was or not.
Q. What is her husband's name? A. His name is John Williams, I think.
Q. How long had you known John before he and your sister were married? A. I do not know. I didn't know him then.
Q. You had seen him before? A. If I had I don't recollect it. It had been so long since I had seen him that I couldn't recognize him.
Q. Did she and her husband go away from down there together? A. Yes sir, directly after they married.
Q. Hadn't they had a child born then? A. No sir, not at father's.
Q. Was Willie Williams born there? A. Not at father's.
Q. Wasn't Anna born there? A. Not at my father's.
Q. Do you know where Willie and Anna were born? A. From what they told me, up close to Vinita.
Q. That is where she told you? A. Yes sir, I heard my father say he had a daughter further up in the Nation.
Q. That was when you were living on Red River? A. Yes sir, I was quite a big boy then. That was a little bit before my mother died.
Q. Where did your mother die? A. Right there at Colbert.
Q. Colbert Station? A. Down below it a piece.
Q. When did she die? A. She dies when ---I don't remember just exactly what year it was. I was just past ten going on eleven years old. I don't know what month she died in.
Q. Was your mother dead when your sister married? A. No sir.
Q. She was living when your sister married? A. Yes sir.
Q. Then you were eight or nine years old when your sister married? A. No sir, not that old. She was ten years older than me.
Q. You just can recollect her marrying? A. I don't know that I remember it. I amit positive.
Q. Do you remember the fact of her being married there? A. I wouldn't swear that she married there.
Q. You say she and her husband left there together? A. That is what they told me.
Q. And they left there before your mother died? A. They just told me that. I was too small to swear to it.
Q. When did you move up here first? A. The first time I come up here was with my father.
Q. When you first come up here? A. I was born here and moved down there.
Q. How could you be born here and your mother having never been here? A. I didn't say she wasn't.
Q. You can not find anybody that ever saw her here? A. I don't know about that.
Q. If youwere born there why can't you get somebody that knew your pepple there? A. Well, they have to go wherever they get a place to go.
Q. You never saw anybody in Fort Gibson who ever saw your mother there, did you? A. I do not remember any right now.
Q. You can not find one person over there? A. I haven't tried I might. It was 32 years ago and there could be many people died in that time.

Q. But when you were old enough to remember of your own knowledge you were on Red River? A. Yes sir.
Q. Did you ever live in Texas. A. We lived in Texas a while - in Denison. My father was a minister and whenever he was sent to preach, we went there.
Q. Did you live in Denison? A. When he was sent to preach, we went there.
Q. Did you live at Denison? A. Certainly, we lived there.
Q. Did you live at any other town in Texas? A. Not as I know of.
Q. You don't remember any more? A. Not as I know of while we lived there. I have been all over Texas nearly.
Q. When did you first go to Texas? A. I was about 18 years old.
Q. Where did you go? A. I went to Denison and from Denison to Mineola and from Mineola to Quitman, Texas.
Q. Any of these places where you were born? A. No sir.
Q. Didn't the Wilsons, your father's owners, live there? A. Yes sir, right around Quitman. Some of their relatives are living there today. I couldn't swear that.
Q. They were where you lived? A. I do not know that for certain.
Q. Your mother died there, didn't she? A. No sir she didn't.
Q. When was the last time you lived in Texas? A. I told you when I lived in Texas.
Q. I am asking you again? A. I said when I was 18 years old I went there.
Q. When did you leave the state of Texas? A. I don't know when --the last time I was there.
Q. When is the last time you lived there? A. About six or seven years ago.
Q. That is the first time you left the state , too, is it not? A. No sir, it isn't. When I first went there I was 18 years old.
Q. You never applied to the Wallace court for enrollment, did you? A. I did not. My father did, I think.
Q. You never applied to the Kerns-Clifton court, did you? A. No sir, I didn't.
Q. Never tried to be enrolled before in the Cherokee Nation? A. No sir.
Q. Never was recognized as a citizen of the Cherokee Nation? A. Never tried, because I left that for my father to do.

WITNESS EXCUSED.

L. B. Bell, being first duly sworn, testified as follows on behalf of the Cherokee Nation.

MR. HASTINGS:
Q. Your name is L. B. BELL? A. Yes sir.
Q. What is your age? A. 65 years old.
Q. What is your post office address? A. Vinita, Indian Territory.
Q. You are a citizen of the Cherokee Nation? A. Yes sir.
Q. Mr. Bell, did you know one, Franklin Thompson's family that lived on Beatty's Prairie some years prior to the war? A. Yes sir, I was acquainted with them. Benjamin Franklin Thompson was his name, usually called Franklin Thompson. His wife was a sister to my mother.
Q. Where were they living when the war came up? A. His wife had died when the war came up. The old man was living in Rusk County Texas.

Q. Where did his wife die? A. In Texas.
Q. They had formerly lived in the Cherokee Nation? A. They lived up in Delaware District, Cherokee Nation or what is known as Beatty's Prairie. I was living with them at the time they went to Texas.
Q. When did they go to Texas? A. About 1848.
Q. And they continued to live in Texas, and were living there when the war came up? A. Yes sir, I found them living there in 1863. I stayed there two or three years and then came back here, and then I was backwards and forwards from then until 1868 -- along about 1868, and then the old man Thompson died.
Q. Did they own property o in Texas? A. Yes sir, he had cotton land there, negroes, mules, and land.
Q. Did one of Franklin Thompson's daughters marry Wilson? A. Three of them did.
Q. Do you know whether this young Frank Wilson was one of their children? A. He was the son of Ellen Wilson the daughter of Franklin Thompson.
Q. They owned slaves there in Texas, did they? A. Yes sir, they owned slaves there.
Q. They were recognized as citizens of the state of Texas? A. Yes sir.
Q. Do you know where Franklin Thompson's daughter was married to Wilson, whether here or in Texas? A. They were married in Texas, right at Uncle Franklin's house.
Q. He never did go ---he died in Texas? A. Yes sir, he and his wife both died there.
Q. None of his children ever returned here to live after the war? A. Some of the grandchildren came here.
Q. They were readmitted to citizenship here? A. Yes sir, that is my understanding.
Q. They were not recognized as citizens when they came here, but were readmitted by act of Council? A. Yes sir, and they were born there, too.

MR. FOREMAN

Q. Were you present at the marriage between Thompson's daughter and Wilson? A. I was present at the marriage of John Wilson and Lone Thompson.
Q. You were not present at the marriage of Frank Wilson and his wife? A. No sir. I do not know the year they were married
Q. How old do you say you are? A. 65 years old --about that.
Q. Where did you live at the time you knew these Thompsons in the Cherokee Nation? A. It is sort of a long story. My mother died when I was about a year old and my father broke up housekeeping, sold out down there, and took me up there and left me at my aunt's, Mrs. Ann Thompson, the wife of this Franklin Thompson. Franklin Thompson was fixing then to go to Texas with his family, and my father bought the place he lived on, and we owned it a while.
Q. How old were you when they moved to Texas? A. I guess I was nine years old ---about that.

WITNESS EXCUSED.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported all proceedings had in the above entitled cause on the ____ day of _____, 190__, and that the above and foregoing

is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

[illegible]

Subscribed and sworn to before me this the 12 day of [illegible] 1908.

[illegible]
Notary Public.

C-74K-325-9

IN RE
Application for Enrollment of
INFANT CHILD
William Walker
as a citizen of
Cherokee Nation

Approved Aug. 16 1904
T. B. Needles

Filed
Aug 17 1904
Commission to the Five Tribes

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] Charlie [illegible]
of William Barlan [illegible] [illegible]
Father of Father Frank Barlan [illegible] Choctaw [illegible]
Mother of Mother Lizzie Barlan [illegible] United States [illegible]

Witnesses.

AFFIDAVIT OF [illegible] Father - Mother
being dead

UNITED STATES OF AMERICA, Indian Territory,
Pittsburg District.

I, Frank Barlan on oath state that I am [illegible] this
person of age and a citizen by right of birth of the Choctaw Nation,
that I am the lawful [illegible] of Lizzie Barlan who is a citizen, by
blood of the United States [illegible] that a Male [illegible] child was
born to me on 6th day of April, 1897, that said child has been named
William Barlan and is now living. That Lizzie Barlan
died on the 18th day of June 1904. Frank Barlan

Witnesses to Mark:

(Must be Two Witnesses)

Subscribed and sworn to before me this 15th day of August, 1904.
Charles H Sawyer
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
..... District.

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ....., on the ..... day of ....., 1..... ; that there was born to her on said date a ..... (Male or Female.) child; that said child is now living and is said to have been named .....

Witnesses to Mark:

(Must be Two Witnesses)

Subscribed and sworn to before me this ..... day of ....., 190.....

Notary Public.

FILED
JAN 17 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen-S-Lab-6.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, September 22, 1906.

Supplemental proceedings had in the matter of the application for the enrollment of Orrena Williams et al. as Cherokee Freedmen.

The applicant appeared in person and by attorneys, Thomas & Foreman.

Cherokee Nation, by its attorney, James M. Davenport.

John F. Wilson, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

Mr. Davenport:

Q. What is your name? A. John F. Wilson.
Q. What is your age? A. 43 years.
Q. What is your post office address? A. Tahlequah.
Q. Where were you raised? A. I was raised in Texas.
Q. Did you ever know a colored man in the state of Texas by the name of Henry Harlan? A. Yes sir.
Q. Where did he live, with reference to where you lived? A. He lived in the same town part of the time.
Q. Do you know from whom he took the name of Harlan? or to whom he belonged? A. He belonged to the Thompsons.
Q. What Thompsons? A. Grandfather Thompson.
Q. Where did he live when the war broke out? A. In Texas.
Q. What county in Texas, if you know? A. Rusk County, at that time.
Q. Where were they living when you first recollect after the war? A. Quitman, Wood County.
Q. Where was Henry Harlan living when you can first recollect? A. In Quitman, Wood County.
Q. Do you know whether or not Henry Harlan had a family? A. Yes sir.
Q. Do you know the names of any of his family? A. I recollect Frank, here.
Q. Do you mean Frank, the applicant here? A. Yes sir, he had several children, but I do not recollect all the names.
Q. When did you leave the state of Texas and move to Tahlequah? A. In 1884.
Q. Where were Henry Harlan and his family living when you left? A. Quitman or Winnsla --two towns ten miles apart. I don't know which one he lived in.
Q. Have you ever seen this applicant, Frank Harlan, or Orrena Williams since they came to the Indian Territory? A. Yes sir.
Q. Do you know what part of the country they live in now? A. No sir, I don't.

Q. When was the first time you saw them after you came to the Cherokee Nation? A. I saw Frank here I think it has been about 6 or 7 years ago.
Q. Where was he at that time? A. Tahlequah.
Q. Did he recognize you then as being the man he had known in Texas, or did you recognized him? A. He recognized me, and told me who he was.
Q. Do you know whether or not Henry Harlan, his father, ever moved to the Cherokee Nation? A. I never knew of his being here since I have been here until about 7 years ago.
Q. When you moved from Texas to the Cherokee Nation in 1884 you left Henry Harlan and his family in the state of Texas? A. Henry was there when I left.

Mr. Vorenberg:
Q. When did you move to the Cherokee Nation? A. In 1884.
Q. You have never seen Harlan here since you came, Henry Harlan? A. Yes sir.
Q. There? A. At Tahlequah.
Q. When did you see him there? A. It has been about 6 or 7 years.
Q. Do you know where he was living then? A. He told me he came from Texas. He belonged to my people, and he stayed there. I fed him there about two weeks after he came.
Q. You do not know whether he was ever in the Cherokee Nation before then or not? A. I couldn't say.
Q. How far did he live from you in Texas? A. He lived, part of the time, in the same town.
Q. How much of the time? A. A good while. I knew him afterwards. I was a kid.
Q. How long did he live in the same town you did? A. He lived there some time, I don't know how long.
Q. A year or two? A. Yes sir, several years.
Q. Four or five years? A. Was at Quitman, where I was raised, and he was at Mineola, and was in Rusk County part of the time.
Q. He moved around a good deal? A. A right smart.
Q. You didn't keep track of him all the time? A. No sir It was none of my business to keep right after him.
Q. Do you know how old Frank Harlan is? A. No sir.
Q. Do you know where he was born? A. I am not sure. Think he was born in Rusk County, Texas.
Q. How many brothers and sisters did he have? A. I don't remember.
Q. Did he have any? A. I think he did. I don't know how many he had. Henry had two or three wives. They were kinder mixed up to me.
Q. You do not know, then, whether Frank Harlan had any brothers and sisters or not? A. I think he had one or two. I am not sure.
Q. Did Frank Harlan live with his father in Texas? A. He did when he was a boy, I think.
Q. You think he did? A. Yes sir. The children, part of them, were mixed up. He had two or three wives. I hadn't seen him in a good while until he came here. I recollected Frank.
Q. Where did you see Frank Harlan in Texas. A. I saw him in Rusk County, and at Quitman, Wood County.
Q. You are sure he was the son of Henry Harlan? A. He is supposed to be.
Q. What was Henry Harlan's business? A. It was of every kind. He just worked around at first one job and then another. Did not have any particular business that I knew of.

Commissioner:

Q. Were you born in Texas? A. Yes sir.

Q. Were you born near this town where you know these parties? A. I was born in the town of Quitman, Wood County, Texas.

Q. How large were you when you first can remember the father of Frank Harlan here? A. I was very small. I knew him ever since I was big enough to recollect any one.

Q. What is your best idea as to the year you first got acquainted with these people after the war? A. After the war?

Q. What is your best impression as to the year you got acquainted with these parties? A. I knew the father ever since I was big enough to recollect any one. I knew him right after the war. I was 5 or 6 years old.

Q. What year were you born? A. 1861.

Q. And you say you have known them since you were large enough to know anybody? A. Yes sir. My people owned him during the war. My father had charge of him a while.

Q. Are you a Cherokee by blood? A. Yes sir.

Q. How long did your father live in Texas before the war? A. He lived there all his life. He was raised in Texas.

Q. Well, your mother? A. I don't know how long she had been there. She was a grown girl when her father moved from the Cherokee Nation to Texas --- about 17 or 18.

Q. Your mother was a Cherokee by blood? A. Yes sir

Q. Who did Henry belong to at the beginning of the war? A. He belonged to my grandfather. My grandfather gave him to Izzie Wilson, my aunt.

Q. Was Izzie Wilson a Cherokee? A. Yes sir, my mother's sister.

Q. How long had Izzie Wilson been in Texas at the beginning of the war? A. I couldn't tell you. But then a good while though. She was a girl when her father moved there.

Q. Several years? A. Yes sir.

Q. Did she ever go back to the Cherokee Nation after the war? A. No sir.

Q. Never did? A. No sir

Q. You were too young to give the Commission a definite year as to when you began knowing Henry Harlan? A. I couldn't say the exact year. I was too small. I recollect them though when I was very small.

Q. Did you ever know Orrena Williams? A. I sorter recollect her --don't have much recollection of her.

Q. You do not know when she came to the Cherokee Nation, do you? A. No sir, I know when I first saw her there, but I do not know when she came.

Mr. Foreman:

Q. You are on the roll as a Cherokee citizen? A. Yes sir.

Mr. Davenport:

Q. When you came to the Cherokee Nation in 1884 how did you get on the Cherokee roll? A. I was admitted by the Cherokee Citizenship Court.

Q. Do you know by what name the Court was known? A. Cherokee Citizenship Court.

Q. Who were the members of the Commission? A. Charley Fry, Old man Speers, a man named Smith, an Indian named Snakepuppy, and I forgot the others.

WITNESS EXCUSED.

[illegible]

Subscribed and sworn to before me this the 12 day of January, 1906.

Notary Public.

FILED
DEC 2 1904
COMMISSION TO SUE TRUSTS.

Cherokee Freedmen S-Dec & 129.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, Nov. 22, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Greene Williams, et al., as Cherokee Freedmen.

It appears that on October 14, 1904, the applicant, their attorneys and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on November 22, 1904, and then and there introduce testimony as they might desire in this case, and on said date this case was continued by agreement until this November 22, 1904.

APPEARANCES:

Applicant appears in person and by her attorneys Thomas A Foreman,
Cherokee Nation by W. W. Hastings.

JOHN REECE, being first duly sworn testifies as follows;

EXAMINATION BY MR. FOREMAN:

Q What is your name? A John Reece.
Q How old are you? A About 61 or 62.
Q What is your postoffice address? A Coffeyville, Kansas.
Q Mr. Reece did you ever know Henry Harlan? A Met him.
Q When and where? A Met him on Fryer Creek.
Q Is that in the Cherokee Nation? A Why it is in the Cherokee Nation.
Q That is where you met Henry Harlan? A Yes sir, he come where I was working.
Q You met him in the Cherokee Nation? A Yes, sir.
Q When? A '66
Q Where did you see him on the Creek? A I was living at the old Alberty Place.
Q Is that where you saw him at the old Alberty Place? A Yes.
Q Where was you living? A I was living there.
Q What was Henry Harlan doing there? A Why he just come over, said he was acquainted with my father and mother.
Q He was acquainted with them you say? A Yes they seemed to know him, called him Henry Harlan.
Q How long did he stay at your house? A All the day.
Q What was he looking for there? A A Why he was inquiring around if we knew of any good claims, he wanted a claim or some place to stop.
Q Did he leave the house then that day? A Yes, sir he left the folks.
Q Whose house was this where you were living? A The John Alberty place.
Q Who was living there? A William Sunday, then old Aunt Sarah Ross, which was Charles Ross's wife, onecoyed Charles, alde Isaac Brown was living there.
Q And you were living there? A Yes, I was living there, made a crop there.
Q Did you ever see Henry Harlan after that visit to your house?

A I saw him at a meeting up in there on Pryor Creek.
Q What kind of a meeting? A Oh, just a meeting we had on Sunday.
Q And Henry Harlan attended these meetings did he? A I met him there down on the Elder place at a meeting after that.
Q How long after? A I could have been not very long after, I didn't think much about it.
Q Was he living in that neighborhood? A Not as I know of. We didn't have any place that I knew of in that neighborhood.
Q You didn't know where he did live? A No, sir, I don't know where he did live, I wasn't acquainted with him.
Q Did you ever see Henry Harlan after the time you saw him at that meeting? A I don't remember that I did.
Q How old were you at that time? A I don't know how old I was, I was a young man all right.
Q Henry Harlan was a grown man, was he? A Yes, he was a grown man.
Q Older than you were? A I suppose he was, I was pretty young in '66.

CROSS EXAMINATION BY MR. HASTINGS:

Q What year was it they made this Kerns-Clifton roll? A I don't know.
Q What year was it they made the Wallace roll? A I don't know?
Q What year did they pay out the money after the Wallace roll?
A I don't know, I wasn't there.
Q What year did they pay out the money on the Kerns-Clifton roll?
A I don't know.
Q Are you married? A Sometimes I am.
Q Are you married? A I was but the old woman quit me.
Q What year was you married? A I don't know what year.
Q Do you know one year from another? A I know some years when you tell me. I know '66.
Q Well do you know '96? A If I would know '96 I would know '97 and if I would know '97 I would know '98.
Q Well do you know '96? A I guess I know '96.
Q Do you know '86? A Do I know '86?
Q Do you know one year from another? A I don't know as I do.
Q Was Henry Harlan married when you first saw him after the war?
A I never asked him any matters.
Q Was his wife with him? A Yes, I guess so.
Q About what aged man was he when you saw him after the war, was he grown? A Yes, he was a grown man.
Q Well about how old a man did he appear to be? A I don't know how old.
Q Did he look to be 18 or 19 or older? A He looked to be about 30 or 35, somewheres along in there.
Q How long did you see him around on Pryor Creek? A I saw him at the old Alberty Place.
Q How long is what I asked you? A I saw him every forenoon and afternoon.
Q That is the only time you saw him around Pryor Creek? A No, sir
Q How long after that did you see him again? A Not so tolerable long, I was down at a meeting.
Q About how long after that did you see him again, I said?
A It must have been six or seven weeks.
Q Did you see him in the meantime? A No, I didn't see him.
Q Didn't have a wife with him? A No, sir.

Q Did you ever see Orrena Williams? A No, sir, not to remember.
Q Didn't you know she was born in Texas? A How could I know where she was born?
Q Did you ever see Frank Harlan? A No, sir.
Q Who was Henry here with? A He was by his lone self.
Q Walking? A Riding a pony.
Q You had never seen him before? A No, sir.
Q Have you ever seen him since? A Met him at a meeting.
Q What meeting? A That meeting we had there. I never remember seeing him any more.
Q And now for 30 years you remember to have seen a stranger for about an hour on Pryor Creek and then about six weeks at a meeting after that? A Yes, sir.
Q And you don't know what year you was married in? A No, I don't know what year.
Q And you don't know what year the Horne-Clifton payment was made? A No.
Q And you don't know when the Vallano roll was made? A No.

EXAMINATION BY MR. FOREMAN:

Q At the time Henry Harlan called at your house where you were living you fixed that in your mind by
OBJECTED TO BY MR. HASTINGS AS BEING LEADING.
Q When was it with reference to the war that he called at your house? A After the war.
Q How soon after the war? A In '66, the first of '66, I lived in Ft. Gibson.
Q Was it soon after the war or a long time after? A Soon after the war.

EXAMINATION BY MR. HASTINGS:

Q About how many years after the war? A It couldn't have been over a year.
Q What time of the year was it? A Along in August or the first of September .

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STEPHEN LITTLE being duly sworn testifies as follows:

EXAMINATION BY MR. FOREMAN:

Q What is your name? A Stephen Little.
Q What is your posteffice address? A Lenepah.
Q How old are you? A 80/
Q Do you know Orrena Williams? A I seen her when she was a girl.
Q Where? A On Snow Creek.
Q In the Cherokee Nation? A Yes, sir.
Q When did you see her there? A Well I couldn't get down to the figures of it, sometime in '70.
Q How old was she? A Well she was a girl about 10 or 12.
Q What was she doing there? A Old Aunt Sarah she says to me, she always called me Brother Little, and she said "I have got them all kinds, ringed, streaked and striped.
Q Well what did she say about Orrena? A She says "this one is not mine.
Q What was Orrena doing there? A I don't know.
Q Where did she come from? A I don't know, she come from Lightening Creek I guess.
Q Was she living there with Aunt Sarah Ross? A I don't know

I seen her backwards and forwards at Sarah's.
Q How long did you see her there? A All the time.
Q How long did you see Orrena there? A Well I seen her I expect as near as I can remember about two summers.
Q She was living there all the time was she? A I don't know I lived away over there ten or three miles.
Q Did you know Orrena's father? A No, sir.

EXAMINATION BY MR. HASTINGS

Q Never heard who her father was? A No.
Q And this was all in '70? A Yes.
Q Now don't you know you never saw her there in your life?
A Why do you think I come here to tell a lie.
Q And you saw her at Sarah Ross's? A Yes, sir.
Q Was her mother there? A No, sir.
Q Was her father there? A No, sir.
Q She said she was an orphan child? A Yes, sir.
Q And this was a child ten or twelve years old there by herself?
A Yes, with Aunt Sarah.
Q Well now where did Aunt Sarah live at that time? A Aunt Sarah lived on the place by me.
Q On Snow Creek? A Yes, sir.
Q Who owns the place now? A Nick Willer.
Q This Nick who is around here and come to witness in this case?
A I don't know sir.
Q Have you seen him this morning? A Yes, sir.
Q Didn't you see him last night? A No, sir .
Q Didn't you see him yesterday? A No, sir.
Q How did you come down here? A On the cars.
Q When? A Yesterday.
Q Who summonsed you down? A John Reece.
Q You never talked to Nick Miller when you come? A No, sir.
Q Didn't you stay at the same house he did last night? A I don't know.
Q You saw him this morning? A Yes, sir.
Q You saw him out there in the hall didn't you? A I don't recollect seeing him at all.
Q Did Orrena have any brothers or sisters there with her? A No.
Q Now I want to know if you don't know that this Orrena Williams was born in the state of Texas where she was owned before the war? A I know nothing about it.
Q What became of her after she left Snow Creek? A I don't know where she went.
Q What name did she go by when you knew her in '70? A I don't know that she went by any other than Williams.
Q She went by that at that time? A Yes.
Q Will you swear that was the name she first went by at Sarah Ross's? A Her name was Williams.
Q You are positive of it? A Yes, sir, positive.
Q Well now you continued to live in that section of the country did you? A Yes.
Q What became of her? A I don't know, I heard she was down here in trouble.
Q And John Reece said his mother raised her? A Yes.
Q If John Reece then swore on the stand he had never seen this girl this haint the girl? A I don't know.
Q This is the same John Reece who just left the stand? A Yes.
Q Well this can't be the girl if John Reece had never seen her?
A No, sir.
Q And she went by the name of Williams back in the '70's? A Yes that is the name.

Q And he persuaded you up there in Tuffgrville that you knew something about this girl? A He asked me if I didn't remember that girl his mother had.
Q His mother lived on Snake Creek? A Yes.
Q Was John up there around his mother's at the time? A John has been there all the time.
Q Then if this girl had been with his mother he would have known her. A Yes.

QUESTIONS BY MR. [illegible]

Q What was this girls first name? A Orrena. I think that is what they called her, I have no acquaintance with her.
Q Were there a number of children running around there?
A Aunt Sarah had ten I think.
Q Did they have different names? A They all had different names.
Q Were their last names all the same? A I don't know.
Q Tell what was the last names of the children of Williams? A I never heard any named Williams but that one.
Q There was one named Williams? A I think so, yes.
Q She said one was Sarah Williams? A Yes, sir.
Q Did she name any of the others? A She didn't need to name any of the others?
Q How many were her children? A I thing there was ten, one of the daughters had five boys. I know that one girl on Pryor Creek had five.
Q What were the names of these children fathers? A There was two of them called Keys, one called Brown.

QUESTIONS BY MR. HASTINGS:

Q And you never heard this girls first name at that time? A No.
Q You just heard her surname which was Williams? A Yes.
Q And you have never seen her since that time and you don't know where she lived? A No.

WITNESS EXCUSED.
---000---

FRED MARTIN being duly sworn testifies as follows:

EXAMINATION BY MR. FOREMAN:

Q What is your name? A Fred Martin.
Q How old are you? A 47 or 48, I don't know which.
Q What is your postoffice address? A Wann.
Q Do you know Orrena Williams? A No, not by that name.
Q Do you know this woman here, who is supposed to be Orrena Willim
A Yes, sir.
Q By what name did you first know her? A Harlan.
Q When did you first meet her? A About the time this Katy railroad came through.
Q Do you remember what year that was? A Not exactly.
Q Where did you know her? A She came there on the Grand River with old Uncle Charles Ross and Aunt Sarah to a camp meeting.
Q Was you there at the meeting? A I was.
Q What was her name then? A Orrena Harlan.
Q That was the first time you ever saw her? A Yes, sir.
Q How old was she? A I don't know.
Q How large a girl was she? A Pretty good sized girl.

---o0o---

Q Did you see her after that time? A I did.
Q Frequently? A Not very frequently after we moved to Tiaito.
Q How many times did you see her? A I don't know.
Q Were these places you saw her in the Cherokee Nation? Yes, sir.
Q Did you know her father? A I don't know.
Q Did you ever see him? A If I did I didn't know him.
Q Do you know with whom she was living? A She came to the river with Aunt Sarah Ross and Charley Ross.
Q Did she live with them? A They said she did.
Q Who said so? A Aunt Sarah.

WITNESS EXCUSED.

---o0o---

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 22nd day of November, 1904, and that the above is a true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 26 day of November, 1904.

J. T. Humphrey

A. F. Ec.
A. C. L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of Henry Harlin et al., as Cherokee Freedmen consolidating the applications of

Henry Harlin et al.	Cherokee Freedmen R 1[illegible]
Orrena Williams et al.	Cherokee Freedmen R 3[illegible]
Frank Harlan et al.	Cherokee Freedmen R 3[illegible].

-: D E C I S I O N :-

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Henry Harlin for himself and minor children, Elisha, Elijah, Cordelia, Lenora, David and Edwin Harlin; by Orrena Williams for herself and minor children, Willie, Anna, Alonzo, Arlesta, and Eugene Williams; and by Frank Harlan for himself and minor child, William Harlan.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Henry Harlin, was born a slave in Georgia about the year 1836, and, later, was brought to the Cherokee Nation by his owner, one Annie Thompson, a Cherokee by blood, and wife of the below mentioned Franklin Thompson; that subsequent to his removal to the

Cherokee Nation as above indicated, and prior to the first below mentioned year, one said Henry Harlin became the property of one Franklin Thompson, who, it appears, was a Cherokee citizen by intermarriage. That about the year 1858, the said Franklin Thompson and family, after having disposed of part of their property in the Cherokee Nation, removed with the remainder of their effects, which included the said Henry Harlin, to the state of Texas, where they acquired vast property interests, and where said Franklin and Annie Thompson continuously lived until their death; that prior to the year 1861, the said applicant, Henry Harlin, became the property of Isabell Wilson, nee Thompson, a daughter of the said Franklin Thompson, and wife of one Ben Wilson, a citizen of the state of Texas, and remained the property of the said Isabell Wilson until freed by the rebellion; that the said applicant, Henry Harlin, was married about the year 1861, and again about the year 1864, in each instance marrying a slave woman, and that he died on August 14, 1901; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Henry Harlin, deceased, and possess no rights to enrollment as Cherokee freedmen, other than as such descendants; and that none of the applicants herein nor their ancestors, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is further shown that none of the members of the said Thompson family who removed from the Cherokee Nation as above indicated, have since re-established their citizenship therein, and those descendants of said family who have, did so by Act of the Cherokee National Council admitting them to citizenship in said Nation.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the said Thompson family, former owners of the said Henry Harlin, deceased, had, under the ruling of the Department in the case of Clark A. Ward (I. T. D. 5878-10132-04), expatriated themselves from the Cherokee Nation, under the provisions of Section II, Article I, Cherokee Constitution, several years prior to the commencement of the rebellion, and that, at the commencement of said rebellion, they were non-citizens of said Nation.

IT IS THEREFORE ORDERED that the application for the enrollment of Henry Harlin as a Cherokee freedman, be, and the same is hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

AND IT IS THE OPINION OF THIS COMMISSION that the applications for the enrollment of Eliana Harlin, Elijah Harlin, Cordelia Harlin, Lenora Harlin, David Harlin and Ennis Harlin, Cyrene Williams, Willie Williams, Anna Williams, Alonzo Williams, Alfonzo Williams and Bessie Williams, Frank Harlan and William Harlan, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 16 1906.

Tahlequah, I.T.

Muskogee, Indian Territory, June 7, 1906.

Frank Parker,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and minor child, William Harlan, as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it is desired that you introduce testimony tending to show whether or not your parents were slaves of Cherokee citizens at the commencement of the war of the rebellion, and as to your residence since birth. You are also desired to furnish this Commission with an affidavit as to the birth of your minor child, William Harlan.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Kimmis Building, on Tuesday, July 26, 1906, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 1 B. A.

Cherokee Freedmen
Board.

Muskogee, Indian Territory, July 7, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Frank Harlan for the enrollment of himself and child as Cherokee Freedmen, R-229, (24 No. Home 16), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not the applicant's parents were the slaves of Cherokee citizens at the commencement of the war of the rebellion, and as to the applicant's residence since birth.

The applicant has therefore this day been directed to appear before the Commission at its office in Muskogee, at nine o'clock A. M. on Tuesday, July 28, and give testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Commissioner to the Five Civilized Tribes

Cherokee Freedmen
Enrl

Muskogee, Indian Territory, October 16, 1904

Frank Harlan,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and your son, William Harlan, as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 22, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Register.

Commissioner in Charge.

Cherokee Freedmen
-274-

Muskogee, Indian Territory, October 14, 1904

A. S. Wilson,
Attorney for Frank Marlan, et al.,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Frank Marlan et al., as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 22, 1904.

You are further advised that the said Frank Marlan has this day been notified that he will be permitted to appear on said date and introduce such testimony as he may desire in support of said application.

Respectfully,

SIGNED: T. B. Needles.
Commissioner in Charge.

Register

[illegible]

Muskogee, Indian Territory, December 7, 1904.

Hill, Shelton & Rosenfeld,

Attorneys for the Cherokee Nation,

Tahlequah, Indian Territory.

Gentlemen:

[illegible] copies of supplemental testimony taken at Muskogee, Indian Territory, on the dates indicated, in the following Freedman claims:

October 19, 1904.

Dennis Vann, et al., Cherokee Freedman D-641.

November 21, 1904.

Arthur Vann, Cherokee Freedman 48.

November 22, 1904.

Walker Johnson, Cherokee Freedman R-355.

Leah Brewer, Cherokee Freedman R-[illegible].

Dennis Vann, Cherokee Freedman, D-641.

November 23, 1904.

Orrena Williams, et al., Cherokee Freedman R-325 and 329.

George W. Lynch, et al., Cherokee Freedman D-741.

Frank Karnage, Cherokee Freedman R-178.

Lizzie Sanders, et al., Cherokee Freedman D-1022.

Respectfully,

Tams Bixby,
Chairman.

Encl. 66-6.

[illegible]

Commissioner

Dawes, Tribal

Muskogee, Indian Territory, January [illegible], 1896.

Thomas A Harrison,

Attorneys for Ormond Williams, et al.,

Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the Matter of the application for the enrollment of Ormond Williams, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby

Chairman.

Incl. 9-71.

Cherokee Freedmen

[illegible]

Muskogee, Indian Territory, January 10, 1908.

Hall, Lochridge & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the matter of the application for the enrollment of Orpha Williams, et al., as Cherokee freedmen.

Respectfully,

Incl. 9-70.

Tams Bixby
Chairman.

Muskogee Freedmen

Roll.

Muskogee, Indian Territory, June 20, 1902.

Frank Harlan,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1902, rejecting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorneys, Thomas A. Foreman, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. 8-74.
Register

Cherokee Freedmen

S-[illegible], S-[illegible],

Muskogee, Indian Territory, June 16, 1908.

Thomas A. Foreman,

Attorneys for Orrena Williams, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting, among others, the applications for the enrollment of Orrena Williams, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-76.
Register

Cherokee Freedmen
Harlin, et al.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Henry Harlin, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications for the enrollment of Elisha Harlin, et al., as Cherokee freedmen.

Respectfully,

Tams Bixby.
Chairman.

Incl. 9-78.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

Bell, et al.

Muskogee, Indian Territory, June 21, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications for the enrollment of Elisha Harlin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. 3-77

R.S.-[illegible]
[illegible]

S.D.F.
June [illegible], 1906.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 16, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment as Cherokee freedmen by Henry Harlin for himself and his minor children, Elisha, Elijah, Cordelia, Lemora, David, and Kevin Harlin; by Orrena Williams for herself and her minor children, Willie, Anna, Alonzo, Arlesta, and Eugene Williams, and by Frank Harlin for himself and his minor child, William Harlin.

Reporting June 29, 1906, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved.

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes dated June 16, 1906, is hereby affirmed.

Respectfully,

Jesse E. Wilson
Assistant Secretary.

Cherokee 8.
I. T.

[illegible]

[illegible]

Muskogee, Indian Territory, July 9, 1906.

Frank Harlan,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for the enrollment of yourself and child, William Harlan, as Cherokee freedmen, was affirmed by the Secretary of the Interior, June 25, 1906.

Respectfully,

Commissioner.

IMC

Cherokee F.
R. Ind. et al.

Muskogee, Indian Territory, July 8, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications of Elisha Harlin et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, June 25, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby.
Commissioner.

Incl.C-39
LMC

1

Cherokee F.
R. [illegible].

Muskogee, Indian Territory, July 5, 1906.

Thomas A Foreman,

Attorneys for Orrena Williams, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications of Orrena Williams, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, June 25, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

[redacted].

Tams Bixby.
Commissioner.

Incl.C-41
LKC

Muskogee, Indian Territory, November 14, 1906

Received of the Commission to the Five Civilized Tribes one copy of the testimony in Cherokee Freedmen M-138, Henry Harlin, et al.; Cherokee Freedmen M-88, Frank Harlan, et al.; and Cherokee Freedmen M-21, Orrena Williams, et al.

A. S. McKea
Attorney for Applicants.

This Case has been prepared with R 328, & R 328 -

2/2-05 —

[illegible]

Patent applicant requires for [illegible] Kindred

Now Estimony required to show relationship between principal applicant [illegible] at the commencement of the war belongs to Choctaw Nation or to residence of applicant since birth.

This case consolidated with R-328.

Omer R. Harlan
Attorney at Law, Muskogee, I.T.

Department of the Interior
Division of the Five Civilized Tribes
Washington, D.C.

REGISTERED
DEC 3 1904
INTERIOR DEPT.

REGISTERED No. 9575

Returned

Frank Harlan,

Tahlequah, Indian Territory.

DEC 12 1904

REGISTERED
DEC 10 1904
POSTAL TELEGRAPH

of the Interior

Frank Harlan,

Indian

Cher Fr R 330

Trans from Cher Fr Memo No. 23

Cher Fr R 330

91 M 95
CFR-330

COMMISSION OF THE UNITED STATES
FILED
JUN 13 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T. May 20, 1908.

In the matter of the application of Mariah Thompson for the enrollment of herself as a Cherokee freedman by intermarriage. The said Mariah Thompson, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Mariah Thompson.
Q How old are you? A I am 55, will be 56 4th of August.
Q What is your post office address? A Muskogee.
Q Living in the Creek Nation, are you? A Yes, sir.
Q Is you apply for enrollment as a Cherokee freedman by intermarriage? A Yes, sir.
Q What is the name of your father? A Harris Allen.
Q Is he living or dead? A He's living; living here with me.
Q What's your mother's name? A Mary Allen.
Q Is she living or she's dead? Been dead 14 years.
Q Neither your father nor your mother were ever recognized as Cherokee freedmen were they? A No, sir. They got in here too late.
Q You are a state woman are you? A Yes, sir.
Q What is the name of your husband through whom you claim your right? A Moses Thompson.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee freedman? A Never been out of the Nation in his life.

Applicant's husband identified on the authenticated Roll of 1880 in Illinois District, No. 1818.
Applicant's husband identified on the Census Roll of 1896 on page 965, No. 632, Illinois District.

Q Were you ever married before you married Moses Thompson? A No, sir.
Q Was he ever married before? A No, sir.
Q You yourself have never drawn any money from the tribal authorities of the Cherokee Nation? A No, sir.

Tribal rolls of the Cherokee Nation examined and the name of the applicant does not appear of record thereon.

There is offered in evidence a highly illuminated certificate of marriage showing that Moses Thompson and Mariah Allen were united in matrimony by Rev. Broadenax, a minister of the Gospel, at Muskogee, Indian Territory, on the 10th day of April, 1883. The certificate of marriage is not in a condition to be filed, and is returned to the applicant.

Q How did you live with your husband up until the time he died?
A Yes, sir.

Mariah Thompson applies for the enrollment of herself as a freedman by intermarriage. She is not identified upon any of the tribal rolls of the Cherokee Nation now in the possession of this Commission. Consequently, the above application comes within the provision of the temporary injunction recently granted by Judge Gill of the United States Court for the Northern District of the Indian Territory, and hence her application for the enrollment of herself as a freedman by intermarriage is listed for rejection.

—

FILED
MAY 22 1902

Disposition of application

CHEROKEE FREEDMEN

Date May 30 1907

Post Office Muskogee, I.T.

Decision Denied [illegible]

1. Name Age

Owner's name Citizenship

Year Page No. Dawes

Parents

Father Citizenship

Mother Citizenship

2. Name of wife Marion Dorisson

Owner's name Citizenship

Year Page No. Dawes

Parents

Father Harris Allen Citizenship Non Citz

Mother Mary Allen - dead Citizenship " "

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Injunction case

Claiming intermarriage

Application made by Stenographer

Department of the Interior.

Commission to the Five Civilized Tribes.

[illegible]

William [illegible],	Cherokee Freedmen D—[illegible]
Henry Thomas,	Cherokee Freedmen D—[illegible]
Ella Vann,	Cherokee Freedmen D—[illegible]
Mary Moreland,	Cherokee Freedmen D—[illegible]
[illegible] Mathis,	Cherokee Freedmen D—[illegible]
John [illegible],	Cherokee Freedmen D—[illegible]
Mary Jane Vann,	Cherokee Freedmen D—[illegible]
Thomas Lowe,	Cherokee Freedmen D—[illegible]
Ella Maynard,	Cherokee Freedmen D—[illegible]
Nellie Rider,	Cherokee Freedmen D—167,
Hesten Campbell,	Cherokee Freedmen D—[illegible],
Van Jackson Luther,	Cherokee Freedmen D—[illegible],
Cassie Whiteton,	Cherokee Freedmen D—[illegible],
Mary Martin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—[illegible],
John Kimbo,	Cherokee Freedmen D—[illegible],
William S. Madden,	Cherokee Freedmen D—[illegible],
Jane Bean,	Cherokee Freedmen D—[illegible],
Albert T. Thomas,	Cherokee Freedmen D—[illegible],
Mary Campbell,	Cherokee Freedmen D—[illegible],
Caroline Daniels,	Cherokee Freedmen D—[illegible],
Melvina Afferty,	Cherokee Freedmen D—[illegible],
Dave Morris,	Cherokee Freedmen D—[illegible],
Alexander Claggett,	Cherokee Freedmen D—[illegible],
Amanda Martin,	Cherokee Freedmen D—303,
Eliza Martin,	Cherokee Freedmen D—304,
John E. Barnes,	Cherokee Freedmen D—317,
Bell Davis,	Cherokee Freedmen D—318,
Samuel Brown,	Cherokee Freedmen D—335,
Howard F. Watson,	Cherokee Freedmen D—345,
Jack McConnell,	Cherokee Freedmen D—347,
Maude Manley,	Cherokee Freedmen D—349,
	Cherokee Freedmen D—353,

George Reed, Sr.,	Cherokee Freedmen, Dawes
Rosie Lathrop,	Cherokee Freedmen, Dawes
Rod Thompson,	Cherokee Freedmen, Dawes
Lucie Reed,	Cherokee Freedmen, Dawes
Ann Berry,	Cherokee Freedmen, Dawes
Walter Lewis,	Cherokee Freedmen, Dawes
Thomas F. Allen,	Cherokee Freedmen, Dawes
Lewis Vandiford,	Cherokee Freedmen, Dawes
John L. Martin,	Cherokee Freedmen, Dawes
Katie Davis,	Cherokee Freedmen, Dawes
Charlie Williams,	Cherokee Freedmen, Dawes
John J. Ross,	Cherokee Freedmen, Dawes
Rose Martin,	Cherokee Freedmen, Dawes
Lucy Peterson,	Cherokee Freedmen, Dawes
Alice Johnson,	Cherokee Freedmen, Dawes
Marshe Vann,	Cherokee Freedmen, Dawes
John Scott,	Cherokee Freedmen, Dawes
Nancy Ross,	Cherokee Freedmen, Dawes
Charles C. Smith,	Cherokee Freedmen, Dawes
Sonie Cathcart,	Cherokee Freedmen, Dawes
William Skaggs,	Cherokee Freedmen, Dawes
Susie Johnson,	Cherokee Freedmen, Dawes
Alfred P. Hopkins,	Cherokee Freedmen, Dawes
Linnie Vann,	Cherokee Freedmen, Dawes
Freddie Lowery,	Cherokee Freedmen, Dawes
Lucy Christian,	Cherokee Freedmen, Dawes
Alice Dawson,	Cherokee Freedmen, Dawes
Sidney Wash,	Cherokee Freedmen, Dawes
Fred D. Thompson,	Cherokee Freedmen, Dawes
Betty Rochester,	Cherokee Freedmen, Dawes
[illegible]	Cherokee Freedmen, Dawes
[illegible]	Cherokee Freedmen, Dawes
[illegible]	Cherokee Freedmen, Dawes
[illegible]	Cherokee Freedmen, Dawes
Elizabeth Martin,	Cherokee Freedmen, Dawes
Mary Riley,	Cherokee Freedmen, Dawes
Susannah Hopkins,	Cherokee Freedmen, Dawes
Henry Sylvan,	Cherokee Freedmen, Dawes
Lucinda E. Smith,	Cherokee Freedmen, Dawes
Stepney Payne,	Cherokee Freedmen, Dawes
Malinda Vann,	Cherokee Freedmen, Dawes
Frances Johnson,	Cherokee Freedmen, Dawes
Annie Eaton,	Cherokee Freedmen, Dawes
Mary H. Rogers,	Cherokee Freedmen, Dawes
George Washington Lane,	Cherokee Freedmen, Dawes
Jane Brown,	Cherokee Freedmen, Dawes

[illegible]
[illegible]
[illegible]

DECISION.

It appears that [illegible] applications for enrollment as Cherokee citizens by intermarriage, were [illegible] by William Davis for himself; by [illegible] Thomas for her husband, Henry Thomas; by [illegible] wife, Ella Vann; by Sig Martin for his wife, Mary Markham; by Nathan [illegible] for his wife, [illegible] Melton; by Mary Dotson for herself; by John Dotson; by George W. [illegible] Vann; by Thomas Lewis for himself; by Thomas Mayfield for his wife, Ella Mayfield; by [illegible] for his wife, Sallie Elder; by [illegible] Campbell for himself; by Van [illegible] for himself; by Tobe Midleton for himself; by Gaude Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, [illegible]; by John Kimbo for himself; by William [illegible] for himself; by Tobias Bean for his wife, Josie Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Sam Claggett for his husband, Alexander Claggett; by Felix Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Brown for himself; by Joe Davis for his wife, Bob Davis; by Ellen Brown for her husband, [illegible] Brown; by Mary Ann Watson for her husband, Howard [illegible] Watson; by Jack McConnell for himself; by [illegible] for herself; by George Reed, [illegible] himself; by Buck Ledman for himself; by [illegible] Thompson for herself; by Lewis Scott for himself; by Abe Scott for

[illegible] for himself; by Elizabeth Bowlin for her husband, [illegible]; by Charles Williams for himself; by John J. Ross for himself; by David Martin for himself; by [illegible] for herself; by [illegible] for herself; by [illegible] for her

[illegible]

[illegible]

[illegible]

[illegible] Wayne Greene, Tobias Gritchley, Susan Gravelle, Anderson Tuck, David Lane, Polly McKinney, Goodwood Jones, Sally Vann, Lewis Simmons, John Sampson, Sarah Thompson, Silas Sheppard and Lucy Mathes, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-four of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] TAMS BIXBY,
Chairman.

[illegible] T. B. [illegible],
Commissioner.

[illegible] C. R. [illegible],
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1906.

Dawes Commission

Muskogee,

Muskogee, Indian Territory, January 24, 1906.

Sarah Thompson,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-108.
Register.

[illegible]

[illegible]
[illegible] et al.

Tahlequah, Indian Territory, January [illegible], 1[illegible].

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Walton, John Watson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Willetts, Mary Harlin, Nellie Fields, John Kimle, William S. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McCennell, Mande Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vandgrford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahalay Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Samuel Taylor, Henry [illegible], Lottie F. Powell, Stephen Vann, Matilda Vann, Frances Johnson, Annie Hagner, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Bumpus, Willie Cox, Leonard Bowles, Malinda Harrell, Charles Claggett, Samuel Irvan, Mary Moss, Maggie Bare, Emma Bare, Nile Rose, Elizabeth Johnson, Nellie Henry, Georgeana Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Vaselrig, Elenie West, Marie French, Mary Johnson, Maggie Vann, William Dobson, Sarah Rogers, Abraham Ballard, Laura David, John [illegible], Jesse B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Hair, George Adams, Annie Thomas, Lewis McDonald, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice [illegible], Katie Adair, Carrie Martin, Benjamin Clark, Emily Lowery, John Groves, Matilda McNair, Nettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Downs, Fannie Gelinky, Thomas Daniels, Andrew Turk, David Lane, Julia McClain, Benjamin Jones, Delia Vann, Levi Stroud, John Hagner, Norah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated February 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. K-6.

Through the
Commissioner of Indian Affairs.

COPY

[illegible]
[illegible]

Muskogee, Indian Territory, January [illegible], 1906.

Hall, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 29, 1906, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melbes, John Jackson, Mary Jane Vann, Thomas Lewe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Canete Middleton, Mary Marlin, Nellie Fields, John Kisho, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bill Davis, Samuel Brown, Howard F. Watson, Jack McDonnell, Maude Manley, George Ross, Sr., Dush Ledman, Bell Thompson, Lewis Scott, Ann Scott, Kender Lampton, Thomas E. Allen, Lewis Vandarford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Henry Ross, Charles G. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred F. Hopkins, Kissie Vann, Freddie Lorney, Lowy

Cheetoon, Alice Barnett, [illegible], Fred D. [illegible], [illegible],
Ellis Warren, Willie Robinson, Mary Walker, [illegible], Mary
Riley, Samuel Taylor, Henry [illegible], Martin F. [illegible], [illegible],
Melinda Vann, Frances Johnson, Annie Hooker, Mary E. [illegible],
George Washington Lane, Jane Brown, Samuel L. Young, John [illegible],
Willie Cox, Leonard Rowles, Melinda Murrell, Charles Claggett,
Samuel Irven, Mary Ross, Maggie Bear, Nancy Mars, Flora Bear,
Elizabeth Duncan, Sadie Adams, Georgeanna Archer, John Claggett,
Mattie Smith, Jack Jackson, Lula Sanders, George Harelrig, Lizzie
West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Dickson, James
B. Perry, Isaac Walsh, Lawson Logan, George Howell, Henry Hamir,
George Adams, Annie Thomas, Lewis McDonnell, Callie Vann, Lee
Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones,
Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily
Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Left,
Fannie Rogers, William Washington, Squire Warren Owens, Jennie
Goldsby, Hyman Daniels, Anderson Turk, David Lane, Felix McClain,
Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Hariah
Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens
by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Everybody will be quite happy to give up going on the Committee in [illegible] of the [illegible].

Sincerely,

[illegible]
Chairman.

Enl. 2-0.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: Land. 7002-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Nila Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Nila Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Dagis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Scaggs, Susie Johnson, Alfred F. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheutem,

Alice Durant, Bakaley Ward, Fred B. Thomas, Bettie Dean, Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Samuel Taylor, Henry Gibbs, Lurtie P. Powell, Stepney Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Worrell, Charles Claggett, Samuel Irven, Mary Bean, Maggie Bare, Emma Bare, Ella Bass, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Nattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deshazo, James B. Perry, Isaac Veloth, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Leon Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk David Lane, Felix McClain, Henderson Jones, Nelle Vann, Levi Stroud, John Sumpter, Marish Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants names claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

name is identified on the 1896 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of December 18, 1904 (I. T. D. 8348-1904) in the Lemuel Valentine case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

[illegible]
Washington.

[illegible]
[illegible]
[illegible]

April 1[illegible], 1[illegible]

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1908, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles T. Smith, Susie Colbert, William Skaggs, Sarah Johnson, Alfred T. Hopkins, Lincoln Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Dottie Beck, Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lartie P. Powell, Stepney Lewis, Malinda Nann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Land, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Boomn Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smithn Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Regarding in the matter [illegible], the Indian Office recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Commission

Muskogee, Indian Territory, April 20, 1908.

Mrs. Bob Thompson,

Muskogee, Indian Territory,

Dear Madam:

You are hereby advised that the Commission's decision dated January 18, 1908, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage was affirmed by the Secretary of the Interior on April 14, 1908.

Respectfully,

Tams Bixby

Chairman.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April, 20, 1906

Dell, Hastings & Harrington,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

Tams Dixby.
Chairman

Cherokee Freedmen
D.C. et al.

Muskogee, Indian Territory, April 20, 1905

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tams Bixby,
Chairman.

Chas. Fr. R. 331

Trans. from Chas. Fr. Page 34

Chas. Fr. R. 331

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., May 28, 1902.

In the matter of the application of Annie Bell for the enrollment of herself and child, as Cherokee freedman. The said Annie Bell, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Annie Bell
Q How old are you? A About 22 or 23 years old.
Q What's your postoffice address? A Sapulpa.
Q Are you living in the town of Sapulpa? A Yes,sir.
Q Are you apply for enrollment as a Cherokee freedman? A Yes,sir.
Q Do you apply for anyone besides yourself? A Myself and one child
Q What's the name of your child? A Hester.
Q Is he living? A Yes,sir.
Q How old is he? A He's about fifteen.
Q What's the name of your father? A I never did see him
Q Do you know his name? A His name was Amos.
Q Amos Bell? A Yes,sir.
Q He's dead, is he? A Yes,sir.
Q What was the name of your mother? A Emily Bell.
Q Is she dead? A Yes,sir.
Q Do you claim your right to enrollment as a Cherokee freedman through your father or through your mother? A Through my mother
Q Your father wasn't a citizen? A Yes,sir, she said he was a citizen; he belonged to Mr. Bell's father.
Q Now have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen? A Sir?
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen? A No,sir, I never have been before the roll
Q You have never drawn any money? A No,sir.
Q Where were you born? A I don't know, sir, where I was born.
Q Well where were you when you can first remember? A I was in the south.
Q What part of the south? A Place called Red Levley.
Q What state was that in? A State of Texas.
Q How long did you live there, continue to live there?
A I don't know, sir, how long, how many years.
Q Well how long have you been in the Territory? A I can't tell you how many years I have been there.
Q Haven't you any idea how many it was? A Been about twelve or thirteen or fourteen years, somewhere along there, been here.
Q Lived here all the time since then? A Yes,sir, don't stay anywhere else but here.
Q Never drew any money for your child, either , have you? A No, sir.
Q Never drawn any for yourself? A No,sir.
Q Your name isn't upon any of the rolls? A My mother enrolled us; we was under her when she enrolled us.
Q Did she ever draw any money for you? A She got missed of it, I don't know how come she got missed of it, but she did.

Tribal rolls of the Cherokee Nation examined and the name of the applicant does not appear of record thereon; neither does the name of the applicant's mother or the name of her father appear upon any of the tribal rolls.

Records of the Cherokee Nation examined and fail to disclose that the applicant was ever admitted to citizenship in the Cherokee Nation by the tribal authorities.

A Amie Bell applied for the enrollment of herself and her child, Esther Bell, as Cherokee freedmen. Neither the applicant nor her child are identified upon any of the tribal rolls of the Nation, nor in the proceeding of the Commission. The application comes within the prohibition of the temporary injunction recently granted by Judge Gill of the United States Court for the Eastern District of the Indian Territory. Consequently the application which Amie Bell makes for the enrollment of herself and child will be listed for rejection.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of July, 1902.

(Signed) P. G. Reuter
Notary Public

(S E A L)

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full, true and correct copy of the original m transcript.

Lucy M. Bonnard

Subscribed and sworn to before me this 19th day of August, 1904.

Charles H. Lawyer
Notary Public

FILED
COMMISSION OF INTERNAL REVENUE

4R 331

Cherokee Freedmen R 311.

SUPPLEMENTAL PROCEEDINGS
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ANNIE BELL, et al., as Cherokee freedmen.

It appears that on July 7, 1904, the applicant and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its office in Muskogee, Indian Territory, on July 26, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its attorney, L. B. Bell.

ANNIE BELL, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Annie Bell.
Q How old are you? A I don't know, sir; I don't know exactly; I put it in 33 or '4 when I put my application in.
Q How old are you now, about 35 or '6? A I guess so.
Q What is your postoffice? A Wagoner.
Q You applied for the enrollment of yourself and one child, Hester Bell, as Cherokee freedmen? A Yes, sir.
Q Is that child living now? A Yes, sir.
Q Living with you? A Yes, sir.
Q You were requested to make out a birth certificate for that child, have you that certificate? A No, sir.
Q What was your father's name? A I never remember seeing him, but mother said his name was Amos Bell.
Q What was your mother's name? A Emily Bell.
Q Are both of them dead? A Yes, sir.
Q Were they both Cherokee freedmen? A That is what she said.
Q Who did they belong to, to the best of your knowledge? A My mother to Mr. L. B. Bell and my father to Jack Bell; that is what she said.
Q They belonged to different persons? A Yes, sir.
Q Where were you living when you could first remember? A Red Levley.
Q Where is that? A Down south; that is what they called it, Red Levley.
Q What state was that in? A Texas.
Q Who were you living with down there? A My mother.
Q Was your father living there, too, at that time? A He was there, but I was too little to remember him.
Q How long did you and your mother and father continue to live there at Red Levley after you could first remember? A I can't tell how many years.
Q Make an estimate of about how long, of course we don't expect you to get it exactly? A I don't know.
Q How old were you when you left there? A I don't know, sir, how old I was when I left.
Q Five or ten years old? A Over that.
Q Were you grown? A No, sir, right close on to it, I guess.

Q Somewhere about 16 or 18 years old? A I reckon so.
Q Where did you come in? A Came to Fort Gibson and came from Fort Gibson to Vinita.
Q Is that the first time you can ever remember having been in the Cherokee Nation? A Yes, sir.
Q When you were 16 or 18 years old? A Yes, sir, I will tell the truth about it.
Q Had you been married at that time? A Yes, sir.
Q Had you any children? A One, and I have got it yet.
Q You had this child, Hester, when you came to the Cherokee Nation the first time? A He was a little bittle fellow when he was brought here.
Q How old is he now? A Somewhere about 17 or 18.
Q He was born at Red Levley, in the State of Texas? A Yes, sir, I brought him here when he was a little bittle fellow.
Q Did your mother come with you at that time? A My mother come first; she got a notification that there was an opening for her and her children and she came.
Q How long was that before you came? A Two or three years, I guess; she wasn't able to bring no one but herself and one child.
Q Is she living? A No, sir, she is dead.
Q How long has she been dead? A I say 10 years, but I don't know exactly; she died March the 15th, I think; that would make it 10 years.
Q Did your father come back at that time? A No, sir.
Q Did he die in Texas? A Yes, sir.
Q Before you started to the Territory? A Yes, sir.
Q To your knowledge had he ever been back in the Territory since your birth? A No, sir, not as I know of.
Q Have you any brothers and sisters? A Yes, sir.
Q Are they living now? A Yes, sir, I got two sisters and one brother.
Q Have they applied for enrollment to this Commission? A No, sir.
Q Are they living in the Cherokee Nation? A One is.
Q What is his name? A Harvey.
Q Harvey Bell? A Yes, sir.
Q Where is the other one living? A They haven't returned at all.
Q They are still in Texas, are they? A Yes, sir.
Q But Harvey has never applied to the Commission? A No, sir. My eldest sister and next oldest sister are in Texas.
Q Since you came to the Cherokee Nation, when your boy was a baby, have you continued to live in that Nation up to this time? A I have been living there and at Claremore together, Wagoner and Claremore together.
Q All the time? A Yes, sir.
Q Were you ever recognized in any manner as a citizen of the Cherokee Nation by the tribal authorities; that is, I mean, did the Cherokees, themselves, ever recognize you as a citizen in any way?
A The Cherokees---
Q The Cherokee Nation, did you ever draw any money? A No, sir, mother never did of any kind, and we never drawed nothing.

Mr. Bell: No cross-examination.

L. B. Bell, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A L. B. Bell.
Q How old are you? A 65 years old.
Q What is your postoffice address? A Vinita, I. T.
Q You are one of the representatives of the Cherokee Nation in the matter of the freedmen enrollment, are you not, Mr. Bell? A Yes, sir.

Q Do you know this applicant, Annie Bell? A Personally, I could not say that I do. I have had to be just what she says she is.
Q She claims that she is a child of one Annie Bell and Emily Bell, who were slaves before the war of Jesse Bell and yourself. Do you remember those slaves? A Yes, sir, I knew Annie and Emily both. I came in possession of Emily through my mother's estate and Annie through my father's estate.
Q Do you know what became of these two slaves when the war came up? A I had gone already in Texas when the war came up, and I had Emily up here and moved down to Texas in October, 1861; she had two other children then.
Q Do you know when Emily Bell came back to the Cherokee Nation after the war? A It was about 10 years after I came back, she came to Vinita, where I was living.
Q When did you return? A In May, 1867; I left her right there in Texas when I left.
Q Did Annie Bell ever return to the Cherokee Nation after the war? A No, I couldn't state whether Annie died in 1866 or not, he died right along about that time, immediately before or immediately after I left. I went back the next year after I came here and he was dead; I think he died after I left.
Q He died in Texas? A Yes, sir, he died there in Texas.
Q You have no personal recollection of this applicant, herself? A No, I couldn't. I didn't know her personally, but she came there and claimed to be the daughter of her mother, and I think she was.
Q You think there is some resemblance? A I take her to be the one, yes, sir.

By Annie Bell:
Q Didn't you remember me before you left Texas? A I say your mother had two or three children; I recollect Emily and John and maybe you.
Q You don't remember how many children you left him with? A I couldn't remember them all.
Q If I call them, would you know them? A Possibly.
Q John, Jeff, do you remember Jeff? A You couldn't have been more than a year old when I left. It has been 35 years since I left. You were there, all right, I guess; I couldn't recollect, because you couldn't have been more than a year old.

By the Commission:
Q Did any of these children that Emily had when you left return to the Cherokee Nation before or at the time you did? A No, I left them all with her.
Q None came until the mother came? A I think they came afterwards. I never saw but two of them; this woman, and I think, John.

(Continued until July 27, 1904, when, the applicant says she may have more witnesses.)

July 27, 1904. No appearance on this date.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 18th day of August, 1904.

Charles H. Sawyer

Notary Public.

FILED

Cherokee Freedmen-R-221.

DEPOSITION OF THE INVESTIGATOR
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, September 20, 1904.

Supplemental Proceedings had in the matter of the application for the enrollment of Annie Bellah et. al. as Cherokee Freedmen.

It appears that on August 31, 1904 the applicants, their attorney, and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission, at its offices in Muskogee, Indian Territory, on September 20, 1904 and then and there introduce further testimony in this case, touching the points mentioned in said letter.

APPEARANCES:

Applicant appears in person and by attorney, A. S. McKee.

Cherokee Nation
By its attorney, James S. Davenport.

Sephrona Coats, being duly sworn, testified as follows:

BY McKEE:

Q. What is your name. A. Sephrona Coats.
Q. What is your age. A. About 50 or something.
Q. What is your post office address. A. Muskogee, here.
Q. Are you acquainted with Annie Bell, the applicant. A. Yes sir.
Q. Did you know her mother in her life time. A. Yes sir, we were slaves together--born and raised on one place.
Q. What was her mother's name. A. Emily Martin at that time.
Q. Did she belong to a Cherokee citizen of Cherokee blood before the war. A. Yes sir.
Q. What was the name of her owner. A. Lucy Martin--Hoolie Bell's grandmother.
Q. Did you know Annie Bell's father. A. No sir.
Q. Did you know of Annie Bell's mother's whereabouts before the war. A. We used to live down here on Grand River--we were both born and raised there.
Q. Do you know whether Annie's mother went out of the Cherokee Nation during the war. A. Yes sir.
Q. Do you know where she went to. A. She went to Texas I think. Mr. Bell carried them. After her death they fell to him.
Q. Did you ever see her back in the Cherokee Nation after the war.

A. No sir, I didn't get to see her. She died before I got to see her, there at Vinita.
Q. You heard she died at Vinita. A. Yes sir.
Q. In the Cherokee Nation, Indian Territory. A. Yes sir.
Q. How long since has it been since you have known Annie, the applicant, to live in the Cherokee Nation. A. I can not tell about the girl at all.
Q. You do not know how long she has been living in the Cherokee Nation. A. No sir, I do not know how long she lived here ---- anything about it at all. I only know about her mother.
Q. Can you state, approximately, about how long it has been since you saw the applicant. A. It was last year or the year before I saw her.
Q. That is the first time you saw Annie. A. Yes sir.

BY MR. DAVENPORT:
Q. What was Annie's mother's name. A. Emily Martin.
Q. She belonged to whom. A. Aunt Lucy Martin--Ruelie Bell's grandmother.
Q. That was how long before the war. A. She belonged to Aunt Lucy Martin all her days until she died.
Q. Where was she living when the war broke out. A. On Grand River.
Q. Was she Joe Martin's wife. A. She was Joe Martin's aunt.
Q. Was she living there with Joe Martin. A. She lived away down on Grand River, below Joe Martin's.
Q. Where did you live then. A. I was right there with her -- until she died.
Q. You did not go south with Annie Bell's mother and them just before the war, did you. A. No sir, I did not.
Q. They went south to Texas, before the war broke out, with Colonel Bell, didn't they. A. Yes sir.
Q. And stayed there until after Colonel Bell came back. A. Yes sir, I guess so.

WITNESS EXCUSED.

Annie Bell, being dul sworn, testified as follows:

BY MR. McREA:
Q. What is your name. A. Annie Bell.
Q. What is your age. A. About 33 or 34.
Q. What is your post office address. A. Wagoner.
Q. You are the applicant for citizenship in this case are you. A. Yes sir.
Q. What was the name of your father. A. Amos.
Q. Is he living or dead. A. He is dead.
Q. Where did he die at. A. I do not remember his death at all.
Q. Do you know how long he has been dead. A. No sir, I can not remember that at all.
Q. Do you know whether your father was the slave of a Cherokee citizen of Cherokee blood in the Cherokee Nation before the war. A. No sir, I do not know.
Q. Did you ever hear. A. Only what my mother always said--- he was a citizen.
Q. To whom did she say he belonged to. A. Old Jack Bell.

Q. When do you claim that your father died. A. I do not claim it at all because I do not remember it.
Q. Your information as to when he died. A. I can't tell--- no information only what my mother said--he died since the Emancipation.
Q. You do not know if your father did not return to the Cherokee Nation within the period of the treaty of Emancipation-- you do not know whether or not he returned, do you. A. No sir.
Q. State, if you know, why that your father did not return to the Cherokee Nation at the time. A. He was dead.
Q. Did you ever own a home in the state of Texas. A. No sir.
Q. Did you ever claim any other place or country as your home except the Cherokee Nation. A. No sir.
Q. When you left the state of Texas for the Cherokee Nation, for what purpose did you come. A. I come for the right. My mother said we had a right, and we come for the right.

BY MR. DAVENPORT:
Q. Where did you live while in Texas. A. At a place called Redlovely.
Q. Do you know what County it was. A. Everton, Rusk County, Texas.
Q. Your father died in Texas didn't he. A. I do not remember it.
Q. When you first remember you were living in Texas. A. Yes sir
Q. About what year did you come back to the Cherokee Nation. A. I do not know, sir, exactly what year it was.
Q. You were born in Texas, were you. A. Yes sir, I reckon.
Q. And born after the close of the war, were you not. A. I do not know the year I was born.
Q. You are only about 30 years of age, are you not. A. I do not know, sir, exactly. I just makes a rough guess at it.
Q. When you first remember you were living in Texas. A. Yes sir
Q. And that was after the war had closed. A. Yes sir.
Q. Who were you living with when you first remember. A. With my mother.
Q. She was keeping house down there, was she. A. Yes sir.
Q. On whose farm were you living. A. The Beans'.

BY MR. McREA:
Q. Where have you made your home ever since you came back to the Territory. A. I made my home in the Cherokee Nation--some parts of it.
Q. Have you made the Cherokee Nation your home ever since you first came to the Nation. A. Yes sir.

BY MR. DAVENPORT:
Q. When did you quit living in Wagoner in the Creek Nation. A. I ain't quit living there yet. I ain't got no home nor nothing there.
Q. Have not you been living in Wagoner, Creek Nation, for several years. A. A right smart while, but not as long as in the Cherokee Nation.

BY COMMISSIONER:
Q. Where were you born. A. I do not know anything about it.
Q. Did anybody ever tell you. A. No sir, I never asked anybody.
Q. Didn't care. A. No sir, just so I was living.
Q. How old were you when you first came up here. A. I just do not know.
Q. You were married. A. Yes sir, and had one child.

Q. This is the first time you yourself had ever been to the Cherokee Nation. A. Yes sir.

Q. You have been, then, living in the Choctaw and Creek Nations for the last ten or fifteen years. A. Yes sir, something like that.

Q. Do you know who owned your mother at the beginning of the Rebellion. A. No sir, I do not know exactly at the beginning of the Rebellion who owned my mother.

WITNESS RECALLED.

Sephrona Coats recalled.

By Commissioner:

Q. Did you go down to Texas during the Rebellion. A. No sir, I never went to Texas. My sister went, I didn't.

Q. What was the name of Annie Bell's mother. A. Her name was Emily Martin.

Q. Emily Martin was taken to Texas by Colonel Bell. A. Yes sir.

Q. When did you next see Emily, if you did see her at all. A. I ain't seen her since she come back.

Q. Do you know anything about the date of her return to the Cherokee Nation. A. No sir.

Q. Who was the father of Annie Bell. A. I do not know. I do not know anybody but her mother.

Q. All that you know about it is that she was owned by Lucy Martin and was taken to Texas by Colonel Bell. A. Yes sir, I guess he carried her.

WITNESS EXCUSED.

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 20th. day of September, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

W M Vance

Subscribed and sworn to before me this the 30 day of December, 1904.

Charles H. Swooper
Notary Public.

FILED
DEC 30 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen 2-331.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory. November 22, 1904.

Supplemental proceedings in the matter of the application for the enrollment of Annie Bell et al. as Cherokee Freedmen.

On October 18, 1904 the principal applicant and her attorney were notified by registered mail, and on October 28, 1904 the attorneys for the Cherokee Nation were notified by letter that the application for the enrollment of Annie Bell and her minor child as Cherokee Freedmen would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory on the 22nd. day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Receipt has been acknowledged of the Commission's letter by the applicants' attorney.

Now on this 22nd. day of November, 1904 this cause coming on to be heard, pursuant to said notices, said applicant being called failed to appear either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

H. M. Vance being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd. day of November, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this the 30 day of December, 1904.

Charles A. Vaughn
Notary Public.

Cherokee Freedmen R 331

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of Annie Bell et al., as Cherokee Freedmen.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on May 23, 1902, Annie Bell appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Hester Bell, as Cherokee freedmen. Further proceedings in the matter of said application were had on July 28 and 27, and September 30, and November 22, 1904, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Annie Bell, is the daughter of Amos and Emily Bell, both deceased, was born since the commencement of the rebellion and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of her said parents; that the said Amos and Emily Bell, deceased, were the slaves of a Cherokee citizen at the commencement of the rebellion, resided in Texas during said rebellion, and did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Mosop Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; and that the minor applicant herein is the child of the said Annie Bell and one Andy Tolson, a nonciticen of the Cherokee Nation (see birth affidavit), was born since 1866 and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of his said mother. Neither the said Emili-

[illegible] the post [illegible] of Daily Bell, [illegible] may be [illegible] on the roll of the [illegible] Indian in the [illegible] of the Commission.

IT IS, THEREFORE, the opinion of this Commission that the application for the enrollment of Annie Bell and Harper Bell as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Name James Dixby
Chairman

Name T. B. Needles
Commissioner

Name C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,
this MAY 27 1905

FR 331

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

---

BLUE & BULOKER,
Attorneys for Applicants.

McGOWAN & BERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

In the Matter of the Application of the following named persons for enrollment as Cherokee Freedmen, considering the allegations of [illegible]

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of Annie Bell, et al., as Cherokee freedmen.

Cherokee Freedmen R 321.

Protest on behalf of the Cherokee Nation against motion to reopen.

The attorneys for applicants above named filed their motion for a review of the decision of the Commission to the Five Civilized Tribes denying applicants enrollment as Cherokee freedmen.

The only grounds seemed to be relied upon by the attorneys for the applicants are that these applicants returned to the Cherokee Nation after the Rebellion as soon as the circumstances would permit. We contend that if applicants were slaves of Cherokee citizens residing in the Cherokee Nation at the breaking out of the Rebellion and left the Cherokee Nation during the Rebellion and went, as she says, to the State of Texas, that the only ground upon which she could claim citizenship in the Cherokee Nation is that she returned to the Cherokee nation on or before February 11, 1867: that is that she returned to the Cherokee nation within the six months provided in the treaty of 1866. If the Department should for one moment entertain the proposition that the applicants could return any time that they became financially able to return even though it be years after the six months provided for in the treaty had expired, then we submit that it would be wholly ignoring not only the spirit of the treaty, but the letter of the thing, the spirit and reason of the treaty being that if those who had been slaves of Cherokee citizens would return to the Cherokee Nation and take up their residence within the six months provided in the treaty they would acquire by reason of theirreturning back to the Cherokee nation equal interest with the Cherokee citizens in the lands and money of the Cherokee tribe, and it is contended by the representatives of the Cherokee Nation that there is no condition that would exempt or excuse the freedmen from the provisions of this treaty, not even minority or insanity.

Prior to the date of the treaty the slaves of Cherokee citizens had no right or interest whatever in the lands or moneys of the Cherokee tribe and no action of theirs, nor no former residence of their former owners could give them any domicile or residence or any right acquired under the terms of this treaty. They acquired the rights by reason of their being residents of the Cherokee Nation at the date of the treaty or returning to the Cherokee Nation within six months thereafter. Attorneys for applicants attempt to discuss the question of the slaves' domicile after his emancipation, and that he could have an intention to establish a domicile and that the slave's domicile became that of his former owner. This is not the law, nor can it be construed from any point of reasoning to be the law, because the slave prior to his emancipation had no domicile, and if he was separated and away from his former owner, he could not

claim the domicile of his owner. The only way he could claim it would be by managing it as his own and returning to where his former owner resided.

We, therefore, contend that these applicants have failed to establish that they complied with the terms of the treaty, and that the decision of the Commission to the five Civilized Tribes should be affirmed.

Respectfully submitted,

_____

_____

_____

Attorneys for the Choctaw Nation.

[illegible] D.C.

To the Honorable,

The Secretary of the Interior.

In the matter of the application of Annie Bell, et al, for enrollment as Cherokee freedmen:

Annie Bell,	Cherokee Freedmen D-681,
Hester Bell,	Cherokee Freedmen D-681.

MOTION FOR REVIEW OF DECISION.

Come now the above named persons, by their attorneys, and move the honorable secretary of the Interior to review the decision of the Commission to the five Civilized Tribes, denying their application to be enrolled as Cherokee freedmen; to reverse said decision, and to enroll them as Cherokee freedmen, for the reasons following, to-wit:

The evidence shows that these applicants are the descendants of Anna and Emily Bell who were slaves of a Cherokee citizen at the commencement of the rebellion, and who were taken to Texas during the rebellion, and detained there until after the promulgation of the Cherokee treaty of July 19, 1866, and who returned to the Cherokee nation as soon as the circumstances that took the m away permitted their return.

It is a well known fact that conditions were not undisturbed in the Texas neighborhood and in the Choctaw and Chickasaw nations for some time after the close of the War. These countries were not an inviting field for Cherokee freedmen emigrants to travel at that time and on account of this condition, it was necessary for freedmen to return to the nation in company with persons who could protect them from the "insurgent banditti" that infested that region at that time.

The evidence shows that Anna and Emily Bell returned to the Cherokee nation within a reasonable time after the promulgation of the treaty

The evidence shows that these applicants are descendants of Bell

POOR ORIGINAL -

some and really really were born in the Cherokee nation and have resided here all their life.

Considering therefore, and considering the application of the law to these facts - the law as is clearly set out in the opinion of the Assistant Attorney General for the Interior Department, dated Jan. 9, 1896, March 28, 1896, and April the 16th of that year, it is evident that these applicants are entitled to enrollment.

Considering that a slave had no DOMICILE prior to his emancipation, as he could not have one of the necessary ingredients, namely intention upon the Cherokee slaves were emancipated on February 18, 1866, their NATIVITY or ORIGIN at once became the same as the domicile of their Cherokee owners, after this, they could acquire a DOMICILE of ORIGIN by going away or by staying away from the Cherokee nation with an intention of acquiring a new DOMICILE."For, as Pothier has truly observed, " person cannot establish a DOMICILE in a place, except it be animo et facto".

The disturbed conditions that caused the Cherokee freedmen to go away and to remain away from the Nation during the War, and the continuance of this disturbance until some time after the promulgation of the treaty, were such as not to raise a presumption of intention on the part of these freedmen to have acquired a DOMICILE foreign to the Cherokee nation, if they returned within a reasonable time after these conditions became settled.

The ancestors of these applicant were of the class of Cherokee slaves who were taken South during the War by their owner to keep them from being taken North by the Federal troops. They had no choice, and when emancipated, they became legally residents of the Cherokee nation, regardless of their physical location.

The Cherokee nation was their native state- The burden of proof is upon the one denying the continuance of the legal residence of a person who had been taken from his native state by compulsion. Compulsory departure never raises a presumption of abandonment.

POOR ORIGINAL -

Taking all these things into consideration, it is quite evident that Anna and Emily Bell were given all the rights of native Cherokees by the treaty of 1835, and never ceased to possess them after they were given, as was recognized by Congress until their death.

These applicants, Annie Bell and Hester Bell, having been born in the nation and being the descendants of Anna and Emily Bell, and having lived in the nation all their life, are entitled to enrollment. Therefore the decision of the Commission denying such enrollment is not was contrary to law.

Therefore, we pray that such decision be rescinded and that these applicants be enrolled as Cherokee freedmen.

respectfully submitted,

_____

_____

Attorneys for applicants.

Service of this motion accepted and a copy of the same received by the Attorneys for the Cherokee Nation, this July ___, 1906.

Bell, Hastings & Dougherty,

By_____

Attorneys for the Cherokee nation in making the freedmen roll.

IN RE

Application for Enrollment of

INFANT CHILD

Testimony taken

on a question of

Residence Nation

Approved [illegible] 1900 [illegible]

[illegible]

[illegible]

[illegible]

Aug. 3, 1904.

Commission to Five Tribes.

CFR 331

[illegible]

[illegible] Hector Bell [illegible] born on the 12 day of February [illegible]

Name of Father Andy Fulsom [illegible] a citizen of the U.S. [illegible]

Name of Mother Annie Bell [illegible] a citizen of the Cherokee [illegible]

Postoffice Sequoyah, I.T.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Eastern DISTRICT.

I, Annie Bell on oath state that I am 35 years of age and a freedman of the Cherokee Nation; that I am the lawful wife of Andy Fulsom who is a citizen, by [illegible] of the United States Nation; that a male child was born to me on 12th. day of February, 1897, that said child has been named Hector Bell, and is now living.

her
Annie X Bell.
mark

Witnesses to Mark:

(Sign in the presence of witnesses) J. C. Starr
H. M. Vance.

Subscribed and sworn to before me this 26th. day of July, 1904.

Charles H. Sawyer.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
_____ DISTRICT.

I, _____, a _____, on oath state that I attended on Mrs. _____, wife of _____ on the _____ day of _____, 1_____; that there was born to her on said date a _____ (Male or Female.) child; that said child is now living and is said to have been named _____

Witnesses to Mark: _____

(Sign in the presence of witnesses) _____
_____

Subscribed and sworn to before me this _____ day of _____, 190_____.

_____
Notary Public.

Muscogee Indian Territory, July 1905

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Cherokee 7 R 331

In Re Application Annie Beck;

A. S. McKee

Attorney for Applicant.

[illegible] to the Department
IMMIGRATION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 23 1902
[illegible]

[illegible]

CHEROKEE FREEDMEN

Date 2/23/1902

Post Office [illegible]

Dawes [illegible]

1. Dawes — Age
   Owner's name — Citizenship
   Year — Page — No. — District
   Parents
   Father — Citizenship
   Mother — Citizenship
2. Name of child [illegible] Bill — Age 5/
   Owner's name — Citizenship
   Year — Page — No. — District
   Parents
   Father [illegible] Bill - dead Citizenship Freedman
   Mother [illegible] Bill - dead Citizenship
   Name of Children
3. [illegible] Bill — Year — Page — No. — Dist. 15
4. Year — Page — No. — Dist.
5. Year — Page — No. — Dist.
6. Year — Page — No. — Dist.
7. Year — Page — No. — Dist.
8. Year — Page — No. — Dist.
9. Year — Page — No. — Dist.
10. Year — Page — No. — Dist.
11. Year — Page — No. — Dist.
12. Year — Page — No. — Dist.

Application made by Not Stenographer [illegible]

Muskogee, Indian Territory, January 17, 1902.

Received of the Commission to the Five Civilized Tribes one copy of the testimony, dated May 13, 1902, in the matter of the application of Annie Bell, for the enrollment of herself and child as Cherokee freedmen, Cherokee Freedman Injunction case No.14.

A S M Reed
Attorney for Applicant.

Cherokee Freedmen

E-551

Muskogee, Indian Territory, January 13, 1904.

A. S. McKee,

Attorney for Annie Ball, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed A copy of supplemental testimony taken at Muskogee, Indian Territory, on September 20, 1904, in the matter of the application for the enrollment of Annie Ball, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(Signed) Tams Bixby

Chairman.

Incl: S-B.

Cherokee Freedmen
B-[illegible].

Muskogee, Indian Territory, July 9, 1904.

Annie Bell,

Wagoner, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor child as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it is necessary that further testimony be introduced in support of your said application. It is especially desired that testimony be offered as to whether or not either of your parents was the slave of a Cherokee citizen at the commencement of the war of the rebellion; and as to your residence since birth. It is also desired that you furnish the Commission with an affidavit as to the birth of your minor child, Rector Bell.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 1 B. A.

Cherokee Freedmen
Enrol.

Muskogee, Indian Territory, July 7, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Annie Hall for the enrollment of herself and child as Cherokee freedmen, Enrol. (old No. Dawes. 841), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not either of the applicant's parents was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to his residence since birth.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and give testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

Roll.

Muskogee, Indian Territory, August 11, 1902.

Annie Bell,

care Mr A. Hughes,

Wagoner, Indian Territory.

Dear Madam:

The Commission has in receipt of your letter of July 31, stating that you are unable to secure witnesses in support of your application for enrollment as a Cherokee freedman.

In reply you are again advised to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, September 30, 1902, and introduce the testimony of such witnesses as you may be able to procure tending to show whether or not your parents were slaves of Cherokee citizens at the commencement of the war of the rebellion, and as to your residence since birth.

Respectfully,

Register. Commissioner in Charge.

[illegible]

[illegible]

Muskogee, Indian Territory, August 11, 1904.

A. M. Eaton,

Attorney for Annie Bell,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Annie Bell for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the parents of the applicant were slaves of Cherokee citizens at the commencement of the war of the rebellion, and as to the applicant's residence since birth.

The applicant has therefore this day been directed to appear before the Commission at its office in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, September 20, 1904, and introduce the testimony of such witnesses as she may be able to procure in support of her said application.

Respectfully,

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR
COMMISSIONERS TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen,
R-321.

Muskogee, Indian Territory, October 18, 1904.

Annie Bell,

Wagoner, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and minor child as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 22, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen,
E-111.

Muskogee, Indian Territory, October 18, 1904.

A. S. Mehan,

Attorney for Annie Bell,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Annie Bell, et al., as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 22, 1904.

The said Annie Bell has this day been notified that she will be permitted to appear on said date and introduce such testimony as she may desire in support of said application.

Respectfully,

T. B. Needles
Commissioner in Charge.

Register.

Cherokee Freedmen

Dockets, etc. cases

Muskogee, Indian Territory, January 21, 1909.

Dale, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee Freedmen cases:

Freedmen R-775 ---------- Samuel Beck, et al.,
Freedmen R-63 ---------- Samuel Adams,
Freedmen R-179 ---------- Calvin Coins,
Freedmen R-121 ---------- Annie Bell, et al.,
Freedmen R-13 ---------- Leah Grover,
Freedmen D-357-347 ---------- Mary A. Riley, et al.

Respectfully,

Encl. 5-15.

Commissioner.

Chairman.

COPY

Cherokee Freedmen

Doll,

Muskogee, Indian Territory, January 21, 1901.

Annie Doll,

Vanoss, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of January 5, relative to the enrollment of yourself, et al., as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

Respectfully,

Tams Bixby.
Chairman.

endorsed

Cherokee Freedmen

S-110.

Muskogee, Indian Territory, May 27, 1908.

Annie Bell,

Wagoner, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of yourself, et al, as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,
Chairman.

Incl. S-110
Register

Cherokee Freedmen

S-111.

Muskogee, Indian Territory, May 27, 1908.

A. S. Hynes,

Attorney for Annie Bell, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of Annie Bell, et al, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-111

Register

Cherokee Freedmen
S-113.

Muskogee, Indian Territory, May 27, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Annie Bell, et al., as Cherokee freedmen, including the Commission's decision dated May 27, 1908, rejecting said application.

Respectfully,

Tams Bixby
Chairman.

Isol. S-113.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
S-112.

Muskogee, Indian Territory, May 27, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of Annie Bell, et al. as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-112

Refer to papers
on the following
subject
Land
41971-1906

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

June 8, 1906

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 27, 1906, transmitting the record of the application for enrollment as Cherokee - Freedmen by Annie Bell for herself and her minor child, Hester Bell.

May 27, 1906, the Commission decided adversely to the applicants.

The record shows that Annie Bell is the daughter of Amos and Emily Bell, both deceased, was born since the beginning of the war of the rebellion and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of her said parents; that Amos and Emily Bell were slaves of a Cherokee citizen at the beginning of the war, resided in Texas during the war and did not return to the Cherokee nation on or before February 11, 1867;

that the minor applicant is the child of Annie Hall and one Andy Folsom, a nonadmitted, was born since 1906, and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of his mother.

Neither of the applicants nor its said dam of Emily Hall can be identified on any tribal roll of the Cherokee nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

M.M.M.

W.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

August 7, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 27, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Annie Bell for the enrollment of herself and her minor child, Rester Bell, as Cherokee freedmen, including the decision of the Commission dated May 27, 1905, denying said application.

June 6, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated May 27, 1905, denying the application of Annie Bell for the enrollment of herself and her minor child, Rester Bell, as Cherokee freedmen is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

Cherokee Freedmen

B-811.

Muskogee, Indian Territory, August 16, 1906.

Annie Bell,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1906, rejecting the application for the enrollment of yourself and minor child, Hector Bell, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1906.

Respectfully,

Wm. O. Beall
Acting Commissioner

LS.

Cherokee Freedmen

S-131.

Muskogee, Indian Territory, August 16, 1906.

A. S. Mehan,

Attorney for Annie Bell, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1905, rejecting the application for the enrollment of Annie and Rector Bell as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1906.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED: Wm. C. Beall
Acting Commissioner

LS

Incl. S-64

Cherokee Freedmen

R-121.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1905, rejecting the application for the enrollment of Annie and Rector Bell as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

W. C. Beall

Acting Commissioner

LS

Incl. S-65

Muskogee, Indian Territory, November 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

January 18, 1906 (I.T.D.8297-8339-8957, inclusive-odd numbers-1906, 460-1906), the Department forwarded this office a copy of an approved opinion of the Assistant Attorney General, dated January 10, 1906, "relative to 311 motions in Cherokee freedmen cases;" also copy of a schedule of names of claimants in said cases furnished by the Attorneys filing the motions, and a copy of the letter of said Attorneys, and of Departmental letter to said Attorneys.

The Assistant Attorney General, in his opinion, states that "the numeral memorandum at head of the reference (copied at head hereof) indicates that the motions involved seven hundred and twenty-two cases, though the motions referred to me numbered but three hundred and eleven."

The records of this office have been made to show that motions were filed September 7, 1905, the date of the filing with the Department, in all of the cases included in the copy of schedule of names furnished this office by the Department January 15, 1906.

Secretary of the Interior -- 8.

A great many of these motions were denied by the Department in its two letters to this office, dated May 8, 1906 (I.T.D.6047.....1906, and I.T.D. no number).

Among the cases included in said copy of schedule is the Cherokee freedman case of Annie Bell, the subject of Departmental decision of August 7, 1906 (I.T.D.6894-1906)

So far as this office is informed, all of the motions filed September 7, 1905, were simply based upon an alleged misconstruction of the Treaty of July 19, 1866, relative to the return to the Cherokee Nation of Cherokee freedmen, and, in view of paragraph 2, of section 3, of the Act of Congress approved April 26, 1906 (34 Stat., 137), it appears that there is no merit to the motion for a review of the case of Annie Bell, and it is respectfully recommended that the motion be denied.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

S.W.

R.G.Bell G. (DRAFT) G.R.

DEPARTMENT OF THE INTERIOR 118
WASHINGTON.

I.T.D.6094-1908.
Case-
Step-

December 6, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has carefully considered motions for review in the Cherokee freedman case of Annie Bell et al , filed with the Department September 7, 1906, by Messrs. McGowan, Barven & Mehum, on behalf of applicants.

The motions for review present no new question of law or fact not heretofore considered by the Department in its decision of August 7, 1906 (I.T.D.6094) wherein, in accordance with the recommendation of the Indian Office, the Department affirmed the decision of the Commission to the Five Civilized Tribes, of May 27, 1906, denying the application of Annie Bell for the enrollment of herself and her minor child, Hector Bell, as Cherokee freedmen.

Finding no reason to disturb its decision of above date, the Department adheres thereto. Said motions for review are hereby denied.

The Commissioner of Indian Affairs will advise local owners of this action.

The papers in the case have this day been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

2 inc. to Ind. Off.

LAND. DEPARTMENT OF THE INTERIOR --Copy--

[illegible]-1906 OFFICE OF INDIAN AFFAIRS,
100899-1906.
D.C.[illegible]-1906. WASHINGTON.

December 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir: Ref

Referring to Departmental letter of August 7, 1906 (I.T.D. 6844-1906), affirming the decision of the Commission to the Five Civilized Tribes, denying the application of Annie Bell, for the enrollment of herself and minor child as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 21, 1906, in which he refers to a copy of an approved opinion of the Assistant Attorney General, dated January 10, 1906, "relative to 311 motions in Cherokee freedmen cases". Among the cases included in the copy furnished him, was the Cherokee freedmen case of Annie Bell.

The Commissioner says that so far as he is informed, all of the motions were based upon an alleged misconstruction of the treaty of July 19, 1866, relative to the return to the Cherokee Nation of the Cherokee freedmen.

Under paragraph 2, Section 3, of the Act of Congress approved April 26, 1906 (34 Stat.L., 137), it appears that there is no merit in the motion for a review of the case of Annie Bell, and the Office respectfully concurs in the recommendation of the Commissioner

that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

[illegible]

[illegible]

[illegible]

[illegible]

that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

FWB-EM

Cherokee
R. B. 22.

Muskogee, Indian Territory, December 10, 1906.

Annie Bell,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that a motion filed September 7, 1906, for review of your Cherokee Freedman case, was denied by the Secretary of the Interior, December 6, 1906.

Respectfully,

Acting Commissioner.

LMC

Cherokee 7.
S 881.

Muskogee, Indian Territory, December 19, 1906.

Blue & Bolger,

Attorneys for Annie Bell, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the motion filed September 7, 1906, for review of the Cherokee Freedmen case of Annie Bell, et al., was denied by the Secretary of the Interior, December 8, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Ins1.C-10
LMC.

Acting Commissioner.

Cherokee P.
R 881.

Muskogee, Indian Territory, December 19, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed September 7, 1906, for review of the Cherokee Freedman case of Annie Bell, et al., was denied by the Secretary of the Interior, December 6, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. C-11
LMC

Acting Commissioner.

DEPARTMENT OF THE INTERIOR, [illegible]

Washington

I.T.D. [illegible]
S.L. [illegible].

January [illegible], [illegible].

L.B.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On December 18, 1906 (Land 103295), the Indian Office transmitted your report dated November 21, 1906, in the matter of the application of Annie Bell for the enrollment of herself and minor child as Cherokee freedmen.

On August 7, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes denying the application of said Annie Bell et al.

You now call attention to a list of 311 motions for review transmitted to you on January 15, 1906, and to the fact that the Cherokee freedman case of Annie Bell is among the cases included in said list. You consider that there is no merit in the motion for review under consideration, and you recommend that it be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department considers your recommendation correct. The motion i s hereby denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Theo Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 4 to Ind. Of.

Cherokee 2
E 531.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 18, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a review in the Cherokee freedmen enrollment case of Annie Bell, et al., was denied by the Secretary of the Interior January 10, 1907. For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-51.
MJC

Commissioner.

Cherokee 3
3 881

Muskogee, Indian Territory, January 18, 1907.

Blue and Bulger,

Attorneys for Annie Bell, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the motion for a review in the Cherokee freedmen enrollment case of Annie Bell, et al., filed by you September 7, 1906, was denied by the Department January 10, 1907. For your information there is enclosed herewith a copy of the Departmental decision referred to.

Respectfully,

Encl. KJ-52.
KJC.

Commissioner.

Cherokee D.
S 500.

Muskogee, Indian Territory, January 18, 1907.

Annie Bell,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the motion for a review in your Cherokee freedmen enrollment case was denied by the Secretary of the Interior January 10, 1907.

Respectfully,

MJC

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

10379

MUSKOGEE, IND. TER.

Ann[illegible]
[illegible]agoner, Indian Territory.

AUG 11 1904

UNCLAIMED
Returned to Writer

Department of the Interior

WASHINGTON, D.C. 7.

REGISTERED

[redacted]

Ardmore,

Indian Territory.

REGISTERED

NOVAN

Char. Fr. R-332

Trans from Char. Fr. Memo 25

Char. Fr. R-332

DEPARTMENT OF
COMMERCE & INFORMATION
FILED
JUN 23 1992

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1908.

In the matter of the application of Eliza Woolridge et al. for enrollment as Cherokee freedmen, she being sworn and examined by the Commission, testified as follows:

Q What is your name? A Eliza Woolridge.
Q How old are you? A 47 years old.
Q What is your postoffice address? A Gibson.
Q Fort Gibson? A Yes sir.
Q What district in the Cherokee Nation are you living in, are you living right in the town of Fort Gibson? A No sir.
Q How far from Fort Gibson? A Eight miles.
Q Which way? Q Tower's Tahlequah.
Q You apply for enrollment as a Cherokee freedman? A Yes sir.
Q Who you apply for any one besides yourself, have you any children? A Yes sir.
Q How old is the oldest one? A About 18 years old.
Q What is its name? A Verrilee.Woolridge.
Q How old is she? A She is about 18 years.old.
Q What is the name of the next child? A Vidalee.
Q How old is she? A She is about 8 years old.
Q The next one? A McKinley.
Q How old is he? A He is about five years old.
Q Have you any other children? A No sir.
Q Just these three? A Yes sir.
Q Are they all named Woolridge? A Yes sir.
Q What is their father's name? A D. H. Woolridge.
Q What isthe name of your father? A Mike Whitmire.
Q Is he living or dead? A Dead.
Q What is the name of your mother? A Lila Alberty.
Q Is she living or dead? A She is living.
Q Where does she live? A In the Cherokee Nation.
Q Are your father and mother both freedmen? A Yes sir.
Q Who did your father belong to? A I don't know who my father belonged to.
Q Who did your mother belong to? A Tom Pettit.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a freedman? A No sir.
Q Have you ever drawn any money? A No sir.
Q Have your children ever been recognized? A No sir.
Q Have they ever drawn any money? A No sir.
Q Where were you born? A Born in the Cherokee Nation.
Q How long did you continue to reside here after your birth? A I couldn't tell, I wasn't old enough.
Q Did you leave the Cherokee Nation during the war? A Yes sir, for a while.
Q When did you return? A I haven't been here more than two years I reckon.
Q Where did you come from? A Lived in Texas.
Q Lived in Texas from the time of the war until about two years ago? A Yes sir.

Tribal rolls of the Cherokee Nation examined and neither the applicant or her children identified thereon.

Eliza Woolridge applies for the enrollment of herself as a Cherokee freedman, also for the enrollment of her three children, Verrilee, Vidalee and McKinley Woolridge, as Cherokee freedmen; neither the applicant or her children are identified on any of the tribal rolls of the nation now in possession of the Commission. It appears from the evidence in this case that the applicant left the Cherokee Nation during the war of the rebellion and recently returned about two years ago. Her application comes within the

S. Eliza Coolidge et al.

provision of the temporary injunction recently granted by Judge Gill of the United States Court for the Southern District, Indian Territory, and under the provisions of said injunction her application for the enrollment of herself and children as Chickasaw freedmen will be listed for rejection.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of June, 1902.

Notary Public.

RECEIVED
COMMISSION TO FIVE TRIBES

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ELIZA WOOLRIDGE, ET AL., as Cherokee freedman.

It appears that on July 7, Eliza Woolridge and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 26, 1904, and then and there introduce further testimony touching the points mentioned in said letter, and the case was continued until this July 28, 1904, when the following testimony was introduced.

APPEARANCES:
Applicant, Eliza Woolridge, appears in person.
Cherokee Nation by its attorney, James S. Davenport.

ELIZA WOOLRIDGE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Eliza Woolridge.
Q How old are you? A About 49 years old.
Q What is your postoffice address? A Muskogee.
Q You have heretofore applied to this Commission to be enrolled as a Cherokee freedman, have you? A Yes, sir.
Q At the time you made application you also applied for the enrollment of the following children, Verrilee, Vidalee and McKinley Woolridge, are those children all living now and living with you? A Yes, sir.
Q Do you claim to have been the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did you belong to? A Tom Pettit.
Q What was the name of your father? A Mike Whitmire.
Q Was he a Cherokee freedman? A Yes, sir, my mother told me he was.
Q What was the name of your mother? A Lila Pettit.
Q Was she a Cherokee freedman? A Yes, sir.
Q Your father and mother are both dead, are they? A My father is; my mother isn't.
Q How long has your father been dead? A I don't know; I couldn't tell; I think he has been dead about six or seven years, I don't know.
Q Where were you born? A I was born, place called Fields, where I was born.
Q Is it a town? A No, sir.
Q What was it? A I don't know, sir; I wasn't old enough to remember it.
Q What state was it in? A In the Territory.
Q What Nation? A Cherokee Nation.
Q How old were you when the war came up? A I reckon I was about 10 or 12 years old.
Q You remember the beginning of the war, do you? A Yes, sir, this last war.
Q The Civil War, between the North and the South? A Yes, sir.
Q You remember when that war began? A Yes, sir.
Q Where were you living then? A In Flint.
Q Who with? A Tom Pettit.
Q And your mother? A Yes, sir.

Q And your father? A He wasn't there then.
Q Where did you go during the war? A They carried me to Texas.
Q And your mother? A Yes, sir.
Q Who carried you to Texas? A Miss Alberty.
Q To what place in Texas did you go? A Rusk County, Texas.
Q When did you come back to the Cherokee Nation? A I don't know exactly when I came back; it was late when I got back.
Q How long after the war? A I don't know, sir.
Q How long have you been back? A Here in the Territory?
Q Yes. A I aint been back here but about four years.
Q Where did you come from? A Came from Texas.
Q Is that the first time your had been back since the war? A No, sir.
Q When did you first come back since the war? A Been about six years, since I have been passing; come here twice and went back.
Q When did you first come to the Cherokee Nation after the war?
A I told you four years ago.
Q Is that the first time? A Yes, sir.
Q Four years ago? A Yes, sir, four years ago; that is the first time.
Q When were you married? A Been married about thirty years.
Q Where were you married? A Married in Texas.
Q Where were these children born? A Born in Texas.
Q Were you ever married but once? A Only one time.
Q When did your mother come back to the Cherokee Nation after the war? A I don't know how long she has been back; a pretty good while, but I don't know exactly when she came.
Q How long before you came did she come? A She came a good while before I did.
Q How long before? A I can't tell.
Q Ten years? A 10 or 20 years, over 10.
Q About how many years after the war was it until she came? A Near 20 years, I reckon, after the war before she come back here.
Q Has she applied to be enrolled as a Cherokee freedman? A I think she did.
Q What is her name now? A Lila Alberty now.
Q Has she applied to the Commission to be enrolled as a Cherokee freedman? A She did over at Gibson.
Q How long ago? A Been about a year or more now.
Q Who would she have applied for besides herself, anybody? A No-one; all her children are grown.
Q Do you know whether or not she applied to the Dawes Commission?
A She applied over at Gibson.
Q What was the name of your mother's father? A He was named Phil Naves.
Q What was the name of her mother? A Mollie Pettit is all I know.
Q You are a sister to Joe Alberty? A Yes, sir.

Commission: The Commission's records show that Lila Alberty, mother of this applicant, has been listed for enrollment on Cherokee Freedmen card R 163, and that the Commission's decision of March 5, 1904, rejecting her application, was forwarded to the Secretary of the Interior on March 25, 1904.

Q About how long has your father been dead? A About 10 years to my knowing, is what I was told.
Q Have you any witnesses to testify whether or not he was a Cherokee freedman? A None but my mother.
Q Is she here? A No, sir, she isn't here.
Q Do you know whether or not your father's name appears upon any of the tribal rolls? A I don't know.
Q But you remember the beginning of the war, you were several years old? A Yes, sir.

Q And you didn't return to the Cherokee Nation after the war until some few years ago? A No, sir.
Q Your husband is a white man? A Yes, sir, that is why I could not get back until he brought me; he was a white man.

Mr. Davenport: No cross-examination.

L. E. Woolridge, being first duly sworn, testified as follows:

By the commission:
Q What is your name? A L. E. Woolridge.
Q How old are you? A I am 50.
Q What is your postoffice address? A Muskogee.
Q You are the husband of this applicant here, are you? A Yes, sir.
Q When did you first get acquainted with her? A It was in 1869.
Q Where was she living then? A In Marshall.
Q What state? A State of Texas.
Q How long did she continue to live there after you first knew her?
A She continued to live there about thirty years, I reckon, about 28, or somewhere, till we came here to the Territory.
Q When did you come here to the Territory? A March 10, 1900.
Q That is the first time you and she lived in the Territory after the war? A Not the first time she did; it is the first time I did.
Q Is that the first time you or she lived here since the war?
A Yes, sir, first time since the war.
Q You were married in Texas and all your children were born in Texas? A Yes, sir.

Mr. Davenport: No cross-examination.

Applicant, being re-called, testified as follows:

By the commission:
Q Were you ever enrolled upon any of the tribal rolls of the Cherokee Nation? A No, sir.
Q Did you ever draw any money as a citizen of the Cherokee Nation?
A No, sir.
Q Were you ever recognized in any manner as a citizen of the Cherokee Nation? A No, sir.
Q What is the date of the birth of your child Verrilee? A I don't know; I forgot.
Q What year? A I don't know; I just forget.
Q What is the date of the birth of the child Vidalee? A I don't know; I forgot.
Q What year? A I forgot.
Q What is the date of the birth of McKinley? A I don't know any of them. We have got it down, but I forget.
Q Where are the persons who waited on you at the time of the births of those various children? A They are all dead.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 7th day of September, 1904.

H. S. Martin Jr
Notary Public.

FILED
MAR 10 1905
COMMISSION TO THE TRIBES.

UNITED STATES OF THE INDIANS.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY COMMISSION LAND OFFICE.

Muskogee, Indian Territory, March 9, 1905.

In the matter of the allotment of land to Eliza Woolridge and her minor children Verriles, Vidalee and McKinley Woolridge, Cherokee Freedman Card No. 8113.

Daniel E. Woolridge, non-citizen husband and father, being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Daniel E. Woolridge.
Q How old are you? A 60.
Q What is your post office address? A Muskogee, Indian Territory.
Q Do you make any claims to Cherokee citizenship? A Yes sir.
Q In what way? A Through my wife.
Q By marriage? A Yes sir.

(Note) The records of the Commission to the Five Civilized Tribes were examined and his name does not appear thereon in application for enrollment as pending before the Commission.

Q What is your object in appearing at the Land Office today? A To designate land for allotment for my wife and three children.
Q Is your wife living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q Are these three children living at this time? A They are.
Q Living with you? A Yes sir.
Q Have you any written authority from y our wife to make these designations? A I have.

Witness offers power of attorney executed by Eliza Woolridge March 9, 1905, wherein she appoints D.E.Woolridge her husband, her lawful attorney to make application for allotment of lands in the Cherokee Nation for herself and her children, Verriles, Vidalee and McKinley Woolridge.

Q Are you identical with the D.E.Woolridge who is name in this power of attorney? A I am.
Q Is Eliza Woolridge who executed this power of attorney your wife?
A She is.
Q Are the lands you desire allotted to your wife and children improved?
A Some of them are.
Q Do these lands lay west of Grand river? A Yes sir.
Q Has any previous application been made for lands? A This is first.
Q State the reasons why your wife does not make personal appearance and selection? A She is in such condition of health that she is unable to come to the Land Office. WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her notes thereof. Blanch Ashton
Subscribed and sworn to before me this 9th day of March, 1905.

W. J. Hawkins
Notary Public.

Cherokee Freedmen R 322.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eliza Woolridge and her minor children, Verrilee, Vidalee and McKinley Woolridge as Cherokee Freedmen.

-1-

D E C I S I O N.

The record herein shows that on May 31, 1902, Eliza Woolridge appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor children, Verrilee, Vidalee and McKinley Woolridge, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, July 28, 1904.

The evidence herein shows that the principal applicant, Eliza Woolridge, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, and did not return thereto until the year 1900. The said Eliza Woolridge can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the minor applicants are children of the said Eliza Woolridge, were born since 1880, have continuously lived with their mother since birth, and possess no rights to enrollment except as her descendants.

It is, therefore, the opinion of this Commission that the application for the enrollment of Eliza Woolridge, Verrilee Woolridge, Vidalee Woolridge and McKinley Woolridge, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman

(SIGNED). T. B. Needles.
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory
this APR 22 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 29 1902
31

CHEROKEE FREEDMEN

Date [illegible]

Post Office [illegible]

Dawes California

1. Name Age

Cherokee name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

2. Name of wife [illegible] Age [illegible]

Cherokee name Citizenship

Year Page No. District

Parents

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

Names of children

1. [illegible]	Year	Page	No.	Dist.	15
2. [illegible]	Year	Page	No.	Dist.	8
3. [illegible]	Year	Page	No.	Dist.	5
4.	Year	Page	No.	Dist.	
5.	Year	Page	No.	Dist.	
6.	Year	Page	No.	Dist.	
7.	Year	Page	No.	Dist.	
8.	Year	Page	No.	Dist.	
9.	Year	Page	No.	Dist.	
10.	Year	Page	No.	Dist.	
11.	Year	Page	No.	Dist.	
12.	Year	Page	No.	Dist.	

Application made by Stenographer [illegible]

Commissioner in Charge.
Tribal Freedmen

R-[illegible]

Muskogee, Indian Territory, July 9, 1904.

Eliza Pendergrass,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show whether or not D. T. Pendergrass, the father of your minor children, is entitled to enrollment as a Cherokee freedman.

You are therefore hereby directed to appear before the Commission at its office in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated.

Respectfully,

Registrar. Commissioner in Charge.

Cherokee Nation

[illegible]

Muskogee, Indian Territory, June [illegible], 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Thomas Wolfe for the enrollment of himself and three children as Cherokee freedmen, R-[illegible] (C.R.D. Docket 31), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show that D. K. Wolfe, the father of the applicant's minor children, disclaimed any rights to enrollment as a Cherokee freedman.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen

R-332.

Muskogee, Indian Territory, September 8, 1904.

Rhodes, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the record of supplemental proceedings recently had in the matter of the application for the enrollment of Eliza Woolridge, et al., as Cherokee freedmen, Cherokee Freedmen R-332.

Respectfully,

Chairman.

Encl. S-86.

Cherokee Freedmen D-[illegible]

Muskogee, Indian Territory, December 6, 1906.

Eliza Woolridge,

Muskogee, Indian Territory.

Your Address:

The Commission is in receipt of your letter of November 21, 1906, relative to the enrollment of yourself, et al., as Cherokee Freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. This matter will be taken up in the near future, and when a decision has been prepared you will be furnished with a copy.

You are further advised that you will not be permitted to make allotment selections until your names have been placed upon a final schedule of Cherokee Freedmen and approved by the Secretary of the Interior.

Respectfully,

JD

Chairman.

Cherokee Freedmen
Enrol

Muskogee, Indian Territory, December 14, 1906.

Miss Hutchings,

Muskogee, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 7, relative to your enrollment as a Cherokee freedman.

In reply you are advised that this matter will probably be taken up in the near future for consideration by the Commission. You are further advised that if further testimony is necessary to complete the record in this case you will be duly advised.

Respectfully,

Tams Bixby.
Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
S 112.

Muskogee, Indian Territory, April 22, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1908, rejecting the application for the enrollment of Eliza Woolridge, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-16

(COPY)

Refer in reply
to the following:
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

May 8, 1908

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 22, 1908, transmitting the record of the application for enrollment as Cherokee Freedmen by Eliza Wooldridge for herself and her minor children, Verrilee, Vidalee and McKinley Wooldridge.

April 22, 1908, the Commission decided adversely to the applicants.

The record shows that the principal applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Nation during the war and did not return to said Nation until the year 1900; that the minor applicants are the children of Eliza Wooldridge born since 1880, have lived continuously with their mother since birth and possess no rights to enrollment except as her descendants.

None of the applicants is identified on any tribal roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

M.M. M. (W)

C.F. Larrabee
Acting Commissioner

S.W.

Cherokee Freedmen

B 324.

Muskogee, Indian Territory, April 23, 1908.

Elina Woolridge,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor children as Cherokee freedmen, together with a copy of the Commission's decision dated April 22, 1908, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-17
Register

Cherokee Freedmen
8 inc.

Muskogee, Indian Territory, April 24, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Eliza Woolridge, et al., as Cherokee freedmen, including the Commission's decision dated April 22, 1906, rejecting said application.

Respectfully,

Tams Bixby

Chairman.

Incl. 8-18

Through the

Commissioner of Indian Affairs.

(0 : 0 0)

D.C. [illegible]
I.T.D. [illegible]
[illegible]

0 8
[illegible]

SECRETARY OF THE INTERIOR,

WASHINGTON.

August 3, 1908

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 22, 1908, the Commission to the Five Civilized Tribes transmitted the record of the application of Eliza Wooldridge for the enrollment of herself and her three minor children, Verrilee, Vidalee, and McKinley Wooldridge, including its decision dated April 22, 1908, adverse to all the applicants.

May 2, 1908, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission adverse to all the applicants be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated April 22, 1908, denying the application of Eliza Wooldridge for the enrollment of herself and her three minor children, Verrilee, Vidalee and McKinley Wooldridge, as Cherokee freedmen is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure

Cherokee Freedmen
R 326

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 11, 1906

Bell, Hastings and Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 22, 1906, rejecting the application of Eliza Woolridge for the enrollment of herself and her minor children, Verrilee, Vidalee and McKinley Woolridge, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 3, 1906.

There is inclosed herewith, for your information a copy of Departmental letter above referred to.

Respectfully,

Acting Commissioner

LCB
Encl. L-188

Cherokee Freedmen
A 102

Muskogee, Indian Territory, August 18, 1908

Mina Woolridge,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1908, rejecting your application for the enrollment of yourself and your minor children, Verrilee, Vidalee and McKinley Woolridge, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 3, 1908.

Respectfully,

Acting Commissioner

Cherokee Freedmen
R 188

Muskogee, Indian Territory, August 17, 1908

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated April 22, 1908, rejecting the application of Eliza Woolridge for the enrollment of herself and her minor children, Verrilee, Vidalee and McKinley Woolridge, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 3, 1908.

There is inclosed herewith, for your information a copy of Departmental letter above referred to.

Respectfully,

LMB
Encl. L-188

Acting Commissioner

[illegible]

[illegible]

[illegible] vs. [illegible]

[illegible]

[illegible]

[illegible] January 4, 1909.

[illegible]

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department received December 3[illegible], 1908, a motion by Eliza Woolridge for review of the Cherokee freedman case of herself and children, in which the Department August 3, 1908 affirmed the decision of the Commission to the Five Civilized Tribes adverse to the applicants.

The motion presents no question of fact or law not heretofore considered and bears no evidence of service upon the attorney for the Cherokee Nation. It is therefore hereby denied.

The applicant's address is given as Box 1195, Muskogee, care of D. M. Woolridge.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

Cherokee
F R 222

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 18, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith for your information a copy of Departmental letter of January 4, 1906, in which the motion for review of Departmental decision of August 3, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of Eliza Woolridge, et al., as Cherokee freedmen, is denied.

Respectfully,

Commissioner.

Incl. GL-20.
GHL

[illegible]
[illegible]

Muskogee, Indian Territory, January 18, 1906.

Eliza Woolridge,

c/o T. H. Woolridge, Box 1198,

Muskogee, Indian Territory.

Dear Madam:

In connection with the Cherokee freedman enrollment case of yourself, et al., you are advised that this office is in receipt of Departmental letter of January 4, 1906, in which your motion for review of Departmental decision of August 3, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting your application for the enrollment of yourself and minor children as Cherokee freedmen, is denied.

For your information there is inclosed herewith a copy of Departmental letter referred to. There is also inclosed herewith your motion referred to, together with affidavit signed by Clark Grimmett and Emma Smith.

Respectfully,

Commissioner.

Incl. GL-19.
GHL

Chan. Fr. R. 303

Trans. from Chan. Fr. Memo 26

Chan. Fr. R. 303

5 M 22.
CAR. 333

FILED
JUN 23 1952

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 7, 1906.

In the matter of the application of Jessie Lindsey for the enrollment of herself as a Cherokee Freedman. The said Jessie Lindsey, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Jessie Lindsey.
Q How old are you? A 24 years old.
Q What's your postoffice address? A Well, Fort Gibson.
Q What district are you living in? A Cooweescoowee.
Q How does it happen your postoffice is in Illinois District and -
A I have been living - staying back and forth.
Q Well, where do you live? A Well, Cooweescoowee District.
Q What postoffice in Cooweescoowee District? A Well at Vinita if I am there, and then part of the time at Fort Gibson.
Q Where are you most of the time? A Well I am at Fort Gibson and Vinita, and my husband lives in the state sometime, and I follow around after him, and I'll go to Colorado and follow around after him, but that's my home.
Q Fort Gibson is your postoffice? A Yes, sir, Fort Gibson.
Q Do you apply for enrollment as a Cherokee freedman? A Yes, sir, that's what -
Q Do you apply for anyone besides yourself; have you any children?
A No, sir, well I my father -
Q What's the name of your father? A James Crutchfield.
Q Is he living or dead? A He's living.
Q He'll have to apply for himself. A Well I'll apply for myself.
Q Is your father a Cherokee freedman? A Yes, sir.
Q What is the name of your mother? A Eliza Crutchfield.
Q Is your mother living or dead? A Yes, sir, she's living.
Q Who did you belong to before the war? A Crutchfield, John Crutchfield.
Q Was he a Cherokee? A Yes, sir.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q Where were you living when the war came up? A Well my master lived about fifty miles across the line in Texas.
Q You were living there with him were you? A Yes, sir.
Q Where did you go after the close of the war? A Well I stayed with my master until I don't know how long, and he told me, I'll tell now what he told me; he says "I come and enrolled for my family," and I was with him and considered as one of his children.
Q Now how long after the war did you continue to live with your master in Texas, how many years? A Well I don't know how many, let me see, I don't know how many years I lived with him.
Q Well about how many? A Well I reckon four or five years.
Q After the war? A After the war.
Q Lived in Texas four or five years after the war? Q with my master.
Q Where were you born? A I was born in the Territory.
Q How long before the war did you go to Texas, when did you go to Texas with your master? A I was too young to know anything about that, to the best of my knowledge I don't know, sir.
Q Now after you left your master four years after the close of the war where did you go? A Then I come to the Territory.
Q How long did you live here? A Well I don't know; I married in - I don't know how long now, but I went back and forth to Vinita.
Q Now you don't understand the question; now after you left Texas did you come to the Cherokee Nation? A Well -
Q After you left Texas did you come to the Cherokee Nation? A Yes, sir, I come to the Cherokee Nation to Vinita.

Q How long did you stay here in the Territory? A Well I stayed back and forth, I would stay - went back and forth.
Q I want to know how long you stayed here the first time after you came from Texas before you went back? A I stayed a year or two.
Q That where did you go? A Went back to Texas.
Q How long did you stay in Texas? A I have just been back and forth a year or two; my husband was in Texas.
Q Where did you marry your husband? A In Texas.
Q What's the name of your husband? A Lindsey.
Q What's his given name? A J. M. T. Lindsey; we are separated now, but my first husband was -
Q Was he a white man? A Yes, sir.
Q Did he live in Texas? A Yes, sir.
Q Did you marry him in Texas? A Yes, sir.
Q How long did you live with him? A Well I don't know, I lived ten or fifteen years.
Q During all that time did he live in the State of Texas? A He lived there, and I would be back and forth to Vinita.
Q Then you married Lindsey? A Yes, sir.
Q Where did you marry him? A Married him in Texas.
Q Well how long did you live with him? A I didn't live but a little while.
Q During the time that you lived with him did he reside in the State of Texas? A Yes, sir, that's how come me there, on account of my husband.
Q Have you married again since you separated from Lindsey? A Yes, sir.
Q What's the name of your third husband? A Hansford.
Q How long did you live with him? A A year or two.
Q Where did you marry? A Married him in Texas, not the same place though; I am divorced from him.
Q He also lived in Texas did he? A Yes, sir.
Q Did you marry again after your marriage to Hansford? A No, I didn't.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen; does your name appear upon any of the rolls; have you drawn any money? A No, sir, I have not. You see my father registered, and my master registered he said for his family, and I was one of his family.

The tribal rolls of the Cherokee Nation examined and the name of the applicant's father and mother do not appear thereon.
Tribal rolls of the Cherokee Nation examined and the name of the applicant does not appear thereon.

Q Where were you living four years ago? A I wasliving right at Fort Gibson, with Cousin Will Fields; he's my own cousin.
Q Have you ever been in Kansas? A No, sir.
Q When was the last time you were in Texas? A Well a week or two ago I come from Texas.
Q How long had you been down there before you came back here? A I had been back here since, it's been about, let me see.
Q In other words - A Well I was near Ardmore in the Territory; I haven't been back to the Cherokee Nation in a year; been to Ardmore in the Chickasaw Nation and Choctaw Nation.

Janie Lindsey applies for the enrollment of herself as a Cherokee freedman. Neither she nor her parents are identified upon any of the tribal rolls of the Cherokee Nation now in the possession of the Commission. The applicant avers that she was formerly the slave of one John Gratchfield; that she was taken to the State of

[illegible] prior to the war, and that she continued to reside in the State of Texas until four years after the close of the war before coming to the Cherokee Nation. Her citizenship came within the provisions of the temporary injunction recently granted by the Judge of the United States Court for the Northern District, Indian Territory, and under the provisions of said injunction this Commission is without authority to further consider her application for enrollment as a Cherokee freedman, and she will be listed for rejection.

Arthur C. Geoninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of June, 1909.

Notary Public.

Cherokee Freedmen R-223

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Janie Lindsey as a Cherokee Freedman.

--:--

D E C I S I O N.

The record herein shows that on June 7, 1904, Janie Lindsey appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself as a Cherokee Freedman.

The evidence herein shows that the applicant was born in the Cherokee Nation and was the slave of a Cherokee citizen at the commencement of the war of the rebellion.

The evidence further shows that at the commencement of said war the applicant was living with her master in Texas, and continued to reside therein for several years after the close of said war, not returning to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation. The applicant can not be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore the opinion of this Commission that the application for the enrollment of Janie Lindsey as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this AUG 25 1904

FILED
JUN 7 1902

Acknowledging for enrollment

CHEROKEE FREEDMEN.

Date [illegible]

Post office [illegible]

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife [illegible] Age [illegible]

Owner's name [illegible] Citizenship Cherokee

Year Page No. District

Parents:

Father [illegible] Citizenship [illegible]

Mother [illegible] " Citizenship "

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

Cherokee Freedman
N 211

Muskogee, Indian Territory, August 22, 1904.

Jamie Lindsey,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with the Commission's decision dated August 22, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Encl. V-27

Register.

Cherokee Freedmen
E 581

Muskogee, Indian Territory, August 28, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Davis Lindsey as a Cherokee freedman, together with the Commission's decision dated August 28, 1904, rejecting said application.

Respectfully,

Tams Bixby
Chairman.

Encl. V-38

Through the
Commissioner of Indian Affairs.

Commission to the Five Civilized Tribes

Cherokee Freedmen
R 383

Muskogee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, rejecting the application for the enrollment of Janie Lindsey as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. V-56

COPY

[illegible] to the [illegible]

Refer in reply [illegible] to the following:

[illegible], September 9, 1904.

[illegible]
[illegible] 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the application for enrollment as a Cherokee Freedman by Janie Lindsey.

August 25, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion and living with her owner in the State of Texas; that she continued to reside in said State after the war, and that she did not return to the Cherokee Nation on or before February 11, 1887. She is not identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W. A. Jones

Commissioner

W M.M
W

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1, 1904.

Commissioner of the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the matter of the application for the enrollment of Jamie Lindsey as a Cherokee freedman, including your decision of August 26, 1904, rejecting said application.

Reporting in the matter September 9, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
N 333

Muskogee, Indian Territory, October 22, 1904.

Janie Lindsey,

Fort Gibson, Indian Territory,

Dear Madam:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 3, 1904.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
E--333

Muskogee, Indian Territory, October 12, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the application for the enrollment of Janie Lindsey, as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 3, 1904.

Respectfully,

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

15 1904

12 11

RETURNED TO WRITER

REGISTERED
AUG 27 1904
MUSKOGEE, IND. TER.

Janie Lindsey,

UNCLAIMED

Fort Gibson, Indian Territory.

RETURNED TO WRITER

Regno 117

FORT GIBSON
AUG 27
1904
12 M.
IND.

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

General: Office
Cherokee Freed.

Jane Fields

UNCLAIMED

Gibson, Indian Territory.

FORT GIBSON
IND.T.
NOV
12 M

Chas. Fr. R. 331

Trans. from Chas. Fr. March 27

Chas. Fr. R. 331

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 16, 1908.

In the matter of the application of Lafayette Starr for enrollment as a Cherokee freedman; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Lafayette Starr.
Q How old are you? A Forty-four.
Q What is your postoffice address? A Tahlequah.
Q What district are you living in? A Tahlequah District.
Q Do you apply for enrollment as a Cherokee freedman? A Yes sir.
Q What was the name of your father? A Jesse Ratliff.
Q Is he living or dead? A He is dead.
Q What was he a white man or freedman? A He was a freedman of the Cherokees.
Q What is your mother's name? A Her name was Cressie Starr.
Q Is she living? A She is dead.
Q Was she a freedman? A Yes sir.
Q Where were you born? A To the best of my knowledge in Rusk County Texas; that is what my people tell me.
Q When did you come to the Cherokee Nation the first time? A I believe '91.
Q Had you ever been here before that time? A I hadn't.

The tribal rolls of the Cherokee Nation examined and the name of the applicant does not appear thereon.

Lafayette Starr applies for the enrollment of himself as a Cherokee freedman; he is not identified upon any of the tribal rolls of the Cherokee Nation now in possession of this Commission. He avers he was born in the State of Texas and resided there until 1891 when he came to the Cherokee Nation. His application comes within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court for Northern District, Indian Territory, and the under the provisions of this injunction this application will be listed for rejection.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

L. L. Schumberger

Subscribed and sworn to before me this 27th day of June, 1908.

F. E. Foster

Notary Public.

Cherokee Freedman 8-114.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lafayette Starr as a Cherokee Freedman.

DECISION.

The record herein shows that on June 16, 1902, Lafayette Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman.

The evidence shows that the applicant herein, at the time his original application was filed, was forty-four years old; that he was born in Texas and prior to 1896 had never established a residence in the Cherokee Nation. The applicant can not be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Lafayette Starr as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
AUG 25 1904

CHEROKEE FREEDMAN.

DEPARTMENT OF THE INTERIOR:

INDIAN TERRITORY DIVISION.

In Re the Application for the Enrollment of Lafayette Allen as a Cherokee Freedman. Mr M. M. Whitsett, attorney for Lafayette Allen, you are hereby notified that I have this 8th day of January 1906 mailed the herewith enclosed motion to the Honorable Secretary of the Interior.

Lafayette Allen by his Atty
William Melson
Atty for Lafayette Allen

UNITED STATES OF AMERICA,
INDIAN TERRITORY, ss.
NORTHERN DISTRICT.

I,....., on oath state that I am .....years of age; that my postoffice address is.....; and that I did on the .....day of.....serve the above notice and a copy of the herewith enclosed motion upon..... .....by delivering a copy of the same to ....at.....

Subscribed and sworn to before me this .....day of .....

Notary Public.

My Commission Expires.....

C H E R O K E E F R E E D M A N. D-204

Department of the Interior
Indian Territory Division.

In Re the application for the enrollment of Lafayette Starr as a Cherokee Freedman.

MOTION.

And now comes Lafayette Starr, applicant in the above entitled cause, and moves that the Decision rendered and affirmed therein be modified or vacated, and that he be granted a new trial, or other proper relief, for the reason that he believes that said Decision is contrary to law,, and presents the following in support thereof:

1st.- The Cherokee Treaty ratified by the Cherokee people Aug.7, 1902, with but a few minor exceptions, refers the matter of the making of rolls of citizenship in the Cherokee Nation to the Act of Congress of Jun. 28, 1898.

2nd.- The Act of Jun. 28, 1898 Directs that a Roll of Cherokee Freedmen be made in strict compliance with the Decree of the Court of Claims, rendered Feb. 3, 1896.

3rd.- The Court of Claims' Decree of Feb. 3, 1896 is based on the ninth article of the Treaty, made by and between the United States and the Cherokee Nation, July 19, 1866.

4th.- The ninth article of the Treaty of 1866 makes five classes of Cherokee Citizens. (a) The slave which was liberated by Act of his former owner. (b) The slave which was liberated by law. (c) The free colored person who was in the Cherokee country at the commencement of the rebellion and remained there.(d) The free colored person who was in the Cherokee country at the commencemnet of the rebellion and left at that time, but who returned within six months after July 19, 1866. (e) The descendants of the other four classes.

5th.- The Instructions of the Department Appendix no.4 p.134 tenth annual report of the Commission to the Five Civilized Tribes

reads in one place "For the fact remains that the decree alone is to be taken as a guide for making the roll which your Commission is to prepare"

6th.- The facts upon which the Decision in this case are based seem to be first, that Lafayette Starr was born in Texas; second, that he did not establish a residence in the Cherokee Nation prior to 1891; and third, that he cannot be identified upon the Cherokee Authenticated Tribal Roll of 1880.

7th.- A fulfillment of the requirements of the Court of Claims' Decree of Feb. 3, 1896 (no more, no less) would constitute a strict compliance therewith. To disregard said Decree in any particular, or in any way, would be a violation of or contrary to Section 21 of the Act of Jun. 28, 1898, and the Cherokee Treaty of Aug. 7, 1902.

8th.- There is no provision in said Decree that requires the applicant in this case to establish the fact of the whereabouts of his birthplace, of his residence in the Cherokee Nation prior to 1897, nor of his idenity upon the Cherokee Authenticated Tribal Roll of 1880.

9th.- All things being considered we submit that the decision in this case is unauthorized by the Court of Claims' Decree of Feb. 3, 1896, and contrary to Section 21 of the Act of Jun. 28, 1898; and that said Decision should be modified or vacated, and the applicant granted a new trial or other proper relief.

Respectfully submitted,

William H. Vance

Agent for Lafayette Starr

INDEXED.

COMMISSION TO FIVE TRIBES.			
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CHEROKEE.

1/Ma27

Rasmus, William F.,
Tahlequah, I. T.,
July 7, 1902.

Gives notice of appeal from decision of Commission in case Lafayette Starr.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
JUL 10 1902
Acting Chairman

RECEIVED
COMMISSION TO FIVE TRIBES
No. 11113
Received JUL 9 1902
Docket Book Page

Commission

8 Pa. 29

Rasmus, William P.,
Tahlequah, I. T.,
July 4, 1902.

Gives notice of appeal from decision of Commission in case Lafayette Starr.

RECEIVED
JUL 5 1902
COMMISSION TO THE FIVE TRIBES

Filed
Checked & Sh. - 37

Tahlequah, Ind. Terry July 7 1902

Hon. U. S. Commissioner
to the five civilized tribes
Muskogee, I.T.

Gentlemen:

I desire to hereby respectfully give notice of appeal from the Commissioners adverse findings in the above noted case of Lafayette Starr, applicant for enrollment as Cherokee freedman, to the Hon. Secretary of the Interior at Washington D.C. and who has been advised accordingly

Very Respectfully
Wm. P. Thomas
Atty. of record for applicant

JUN 16 1922

U.S. COMMISSIONER OF INDIAN AFFAIRS

CHEROKEE FREEDMEN.

Name [illegible]
Post Office [illegible]
District [illegible]

1. Name [illegible] Age [illegible]
Owner's name [illegible] Citizenship
Year Page No District
Parents
Father [illegible] Citizenship Freedman
Mother [illegible] Citizenship
2. Name of wife Age
Owners name Citizenship
Year Page No District
Parents
Father Citizenship
Mother Citizenship

Names of Children

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Stenographer

Cherokee F. B-67

Muskogee, Indian Territory, June 8, 1906.

William F. Semms, Esq.,

Attorney at Law,

Tahlequah, Indian Territory,

Dear Sir:

As requested in your letter of June 23, there is enclosed herewith a copy of the testimony taken in the matter of the application of Lafayette Starr for enrollment as a Cherokee Freedman.

Please sign and return to the Commission enclosed receipt for testimony, when your name will be entered as attorney of record for applicant in this case.

Yours truly,

Commissioner in Charge.

Encl. B-141.

Cherokee Freedmen
R 244.

Muskogee, Indian Territory, August 24, 1904.

William P. Thomas,
Attorney for Lafayette Starr,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 23, 1904, rejecting the application for the enrollment of Lafayette Starr as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Encl. V-19
Register.

Cherokee Freedmen
N 334

Muskogee, Indian Territory, August 28, 1904.

Lafayette Starr,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, William F. Ramsus, Tahlequah, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Encl. V-18

Registor.

Cherokee Freedmen
R 224

Muskogee, Indian Territory, August 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Lafayette Starr for the enrollment of himself as a Cherokee freedman, together with a copy of the Commission's decision dated August 25, 1904, rejecting said application.

Respectfully,

Tams Bixby
Chairman.

Encl. V-21

Through the
Commissioner of Indian Affairs.

Commission to the Five Civilized Tribes.

Cherokee Freedmen
E 124

Muskogee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, rejecting the application for the enrollment of Lafayette Starr as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-20

Chairman.

[illegible]

[illegible] of the Interior,

Refer to reply to [illegible] of Indian Affairs
the following

[illegible], September 12, 1904.

Land

report 1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 6, 1904, transmitting the record of the application for enrollment as a Cherokee freedman by Lafayette Starr.

August 25, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is forty four years old, was born in the State of Texas and remained there until 1891.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W. A. Jones

Commissioner.

M.N.M.

W.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Pertaining to the Five Civilized Tribes,

[illegible] Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the matter of the application for the enrollment of Lafayette Starr as a Cherokee freedman, including your decision of August 22, 1904, rejecting said application.

Reporting in the matter September 12, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
B-0124

Muskogee, Indian Territory, October 22, 1904.

Lafayette Starr,

Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated August 28, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Tams Bixby,
Chairman.

Cherokee Freedmen
B--334

Muskogee, Indian Territory, October 28, 1904.

William F. Raymond,

Attorney for Lafayette Starr,

Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the application for the enrollment of Lafayette Starr, as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Tams Bixby
Chairman.

Cherokee Freedmen.
S--324.

Muskogee, Indian Territory, October 26, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the application for the enrollment of Lafayette Starr as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Tams Bixby
Chairman.

[illegible] 8 [illegible]

[illegible]

[illegible] Washington, [illegible] [illegible]

I.T.D.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a motion for rehearing in the Cherokee Freedman case of Lafayette Starr.

On October 1, 1904, the Department affirmed your decision rejecting the application, it appearing from the record that the applicant was born in the state of Texas; that he was about 44 years of age at the date of the application, and that he did not establish a residence in the Cherokee Nation prior to 1891.

There is nothing set forth in the motion for review tending to show that the provisions of the treaty of 1866 applied to the applicant, and therefore nothing to warrant the Department in granting a rehearing. The motion is denied and you will so notify the party.

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure.

Copy

Cherokee Freedmen
No. 3Ba.

Muskogee, Indian Territory, January 21, 1906.

Lafayette Starr,

Tahlequah, Indian Territory.

Dear sir:

You are hereby advised that your motion for a rehearing in the matter of your application for enrollment as a Cherokee Freedman was denied by the Secretary of the Interior on January 13, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY

Cherokee Freedman
384.

Muskogee, Indian Territory, January 22, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motion for rehearing in the matter of the application for the enrollment of Lafayette Starr as a Cherokee Freedman was denied by the Secretary of the Interior on January 13, 1908.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

[illegible]

[illegible]

[illegible]

Char. Fr. R. 335

Char. Fr. R. 335

Trans. from Char. Fr. Memo 28

MAR 10 1905

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. June 1[illegible], 1[illegible]

In the matter of the application of Charley Bowland for the enrollment of himself and children as Cherokee freedmen. The said Charley Bowland, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Charley Bowland.
Q How old are you? A I don't exactly know my age, I was born during the war.
Q What is your post office address? A Braggs.
Q What District are you living in? A Illinois.
Q Are you an applicant for enrollment as a Cherokee freedman? A Yes, sir
Q Are you applying for anyone besides yourself? A Five children.
Q What's the name of the eldest child? A Hattie.
Q How old is she? A She's about sixteen years old.
Q Name of the next child? A Ben.
Q How old is Ben? A He's about, let me see, I have got the ages right here, down, my wife knows the ages of them, I don't (Hands paper to Commission.) There's the ages of them. Fourteen.
Q What's the name of the next child? A Ed.
Q He's about twelve? A Yes sir.
Q Next one is Charley? A Yes, sir.
Q Better put that Charley, Jr., hadn't you? A Well you fix it, I don't know how to fix it because he's named after me.
Q He's nine years old? A Yes, sir.
Q Next one is James? A Yes, sir.
Q Six years old, these children all living? A Yes, sir.
Q What's their mother's name? A Sarah.
Q Is she living? A Yes, sir.
Q Is she a state woman? A Yes, sir.
Q What's the name of your father? A Charles Bowland.
Q Is he living or dead? A Oh, my father did you speak of?
Q Yes, sir. A He's dead.
Q Was his name Charles? A Yes, sir, Charles Bowland, yes, sir.
Q Was he a state man or a freedman? A He was a Cherokee.
Q Cherokee by blood? A Yes, sir, pronounced Cherokee by blood.
Q What's your mother's name? A Nancy Whitmire.
Q Is she living? A No sir.
Q Was she a freedman? A Yes sir.
Q Who did you belong to? A Johnson Whitmire.
Q Did your mother belong to Johnson Whitmire? A Yes, sir, she belonged to Johnson Whitmire.
Q Was Johnson Whitmire a Cherokee? A Yes, sir.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a freedman? A My father had me put on the Cherokee roll with him once.
Q When was that? A I don't know what year, it was directly after the war.
Q Have you ever drawn any money for yourself? A Never has drawn none.
Q Ever drawn any for your children? A No, sir.
Q Where were you born? A Born on Red River.
Q In Texas or in the Cherokee Nation? A Yes, sir, over across the river.

[illegible]

Q. Texas? A. Yes sir.
Q. [illegible] A. Sixteen of the war.
Q. [illegible] after the war was it before you came to the Nation?
A. [illegible]
Q. Where have you been living since that time? A. Been living in Choctaw District.
Q. Was it your name that it was said that you came here? A. That's what I was told you know, that's the way I came it.
Q. How old were you when you came here? A. I don't know about that.
Q. How big were you? A. I was a small boy.

Tribal rolls of the Cherokee Nation examined and neither the applicant nor his children are identified thereon.

Charley Rowland applies for the enrollment of himself and his children, Lettie Rowland, Ben Rowland, Ed Rowland, Charley Rowland, Jr., and James Rowland, as Cherokee freedmen. Neither the applicant nor any of his children are identified upon any of the tribal rolls of the Cherokee Nation now in the possession of this Commission. Applicant avers that he was born in the states of Texas, and came to the Cherokee Nation at the close of the war. By reason of the fact that neither he nor his children are identified upon any of the tribal rolls, his application for their enrollment will be listed for rejection under the provisions of the temporary injunction recently granted by Judge Gill of the United States Court for the Northern District of the Indian Territory.

--o--

Arthur F. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur Croninger.

Subscribed and sworn to before me this 23rd day of June, 1902.

(SEAL)

P. G. Reuter
Notary Public.

FILED
DEC
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D-818

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 17, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Charley Bowland et al., as Cherokee Freedmen.

It appears that on the 15th day of October, 1904, the applicant, his attorney and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 14th day of November, 1904, and then and there introduce testimony touching the points mentioned in said letter, at which time said case would be taken up for final consideration.

APPEARANCES:
Applicant appears in person and by attorney Z.T. Walrond.
Cherokee Nation by attorney, James S. Davenport.

SAMUEL WEBBER, being first duly sworn testifies as follows:

BY Z. T. WALROND:
Q What is your name? A Sam Webber.
Q Your age? A I am 60 or 65.
Q Occupation? A Farmer
Q Residence? A Braggs Station, Indian Territory.
Q State whether or not you are a member or citizen of the Cherokee Nation? I am a citizen of the Cherokee nation.
Q On what roll? A I am on the '60 roll.
Q Freedman or Indian? A Freedman. roll.
Q Are you acquainted with the claimant, Charley Bowland?
A Yes,sir.
Q How long have you known this claimant, Charley Bowland?
A I saw him here in Sequoyah District somewhere in 1866, as near as I can tell it.
Was that district in the Cherokee Nation? A Yes,sir
What was he doing and where was he living at that time, if you know? A Well, when I knew him at that time, he was then staying, his residence was then with his sister.
Q Who was his sister? A Mattie Albert.
Q Where did she live? A On Nancy Benge's place.
Q Where was that located? A That was right west of Stoneroad's place in Sequoyah District.
Q What country? A What country? why, it was Sequoyah district.
Q Where is Sequoyah district? A Down on this side of the river from Fort Smith.
Q In the Indian Territory or in Arkansas? A In the Cherokee Nation .
Q What was he doing in 1866? A As near as I can come, he made a crop there at Mrs. Franklin's.
Q What kind of a crop? A Corn crop.

BY DEFENDANT:
Q Where place you sign? A Mrs. Freeman's

BY [illegible]:
Q Who was he living with? A His father.
Q About what age was he, or else? A I take he was about 18 years old as near as I can guess
Q He was a small boy then? A Yes,sir
Q You say that this was in 1866? A Yes,sir
Q How do you place the date of year? A I can't tell you, because I am not acquainted
Q What reason have you for saying that this was in 1866?
A Because they was taking the colored people's names
Q Do I understand by that that they were taking a census of Freedmen in the Cherokee Nation
A That's it, yes sir.
Q If you know what was the object of that census.
A Well, for instance, they would come in, they came in, and why, of course, they took their names because they gave us six months to come in in and he was there in the time of that six months treaty.
Q Who was taking that census? Well I co lon't tell you, but Riddle Range was the clerk
Q He was the clerk of the census was he? A Yes,sir
Q Do you know what time of the year it was in '66?
A Well, I could not tell you, it was along in '66.
Q Before or after July 19, the date of the treaty?
Mr. LAWSHORE:
I object to that, we object to him stating that let the witness state as to the time.

COMMISSION: Objection noted:

A It was along in '66 when I knowed him there.
Q Can you state what season of the year it was?
A Well, if I am not greatly mistaken it was along in the fall.
Q You think in the fall. A Yes,sir.
Q State whether or not you were enrolled at that time, in that census? A Yes,sir, I was.
Q Enrolled as a Cherokee Freedman A Yes,sir.
Q Do you know whether or not the mother of this applicant was living at that time? A I cant tell; let's see, I think-- Well, I was not acquainted with her, but I was acquainted with his father.
Q What do you know about his residence since that time, what do you know about him living in the Cherokee Nation since that time. A Why, he has been living down in Sequoyah district and farming.
Q Well, how long did he live in that district ?
A Well, I could not tell you that, I left him there.
Q How long have you been away from there?
A I have been away from there thirty-three years.
Q You live now at Braggs? A Yes,sir
Q And he lives at Braggs too, A Yes,sir
Q How long has he been living there A He has been living there as well as I can guess, about two years.
Q Recently came there? A Yes, sir.
Q If there are any facts that relate to the residence of the claimant, Charley Bowland, please state them, any facts that are material? A Well that is about all that I know.

MT Sa (continued)

Q Your name is Sam Webber? A Yes,sir.
Q Who are the other members of your family? A Well, Julia--
Q Julia or July? A Well, I don't know how you have it down; Levi Webber, Mary Webber, Rose Webber, Frank Webber, George Webber.
Q How many of them are under age? A Now, just let me think, Johnson Webber, George Webber Tom Lindsey, Cornelius--they are my grandchildren.
Q Sam, where were you when the war closed? When the war closed? Fort Gibson.
Q Where was the claimant, Charley Rowland at the close of the war?
A I don't know.
Q Did you know the applicant before the war? A Yes,sir- I know his father.
Q Who was his father? His father's name was Charles Rowland
Q Where did he live? A He lived down around Sequoyah, and if I am not mistaken, up in Flint.
Q Well I don't want you to be mistaken, I want to know where he lived before the war, if you know? A I can't tell you.
Q You did not know him before the war? A Yes,sir, I did.
Q Now, who was it you knew before the war? A Charley Rowland
Q Where did the applicant's father and he live before the war?
A Down on Caney I think .
Q Do you know where he lived? A He lived right-- Well, Hannah Rowland lived at--
Q Tell me where Charley Rowland, the applicant here, and his father lived when the war broke out, if you know?
A I don't know , when the war broke out.
Q Do you know where they went during the war? A Don't know about that, no sir.
Q When was it you saw this applicant in Sequoyah? A At Mrs. Franklin's.
Q Where was Mrs. Franklin's? A She was there too.
Q Where did she live, is what I am trying to get? A She lived rights this side of the river, in Sequoyah.
Q The applicant had a crop when you saw him there? A Yes,sir.
Q Was the crop laid by when you saw him there? A No, sir it was not.
Q Was Mrs. Franklin a Cherokee? A Yes,sir, she was a Cherokee
Q Where did she live with reference to where the bridge across the river is now? coming into the Nation.
A Right down the Arkansas River.
Q From that bridge? A Yes, sir, from the main bridge.
Q How far down the river did she live? A Two miles and a half.
Q Where did she live from the Depot called Cherokee is now?
A I wouldn't say.
Q Well, did she live east or south? A She lived south of that.
Q About how far? A Well, I can't tell.
Q Do you want to tell me now, Sam, that Mrs. Franklin lived south of Cherokee and two miles down the River from where the bridge is now at Fort Smith, and then lived in the Cherokee Nation? A Yes,sir, she lived in the Cherokee Nation.
Q Don't you know that the Cherokee and Arkansas line crosses the River at the southeast end of the bridge, and runs directly north and crosses the Iron Mountain Railroad from 50 to 100 yards east of Cherokee Station? A I wouldn't tell you, I know where the line is.
Q Do you know whether that is a fact? A I suppose so.
Q Do you tell me now that Mrs. Franklin was a Cherokee and lived in the Cherokee Nation in 1866? A Well, that is the time I knew her.
Q Did she live in the Cherokee Nation? A Yes,sir.
Q What was her first name? A That is the only one I knew about

Q What was her first name? A You will have to ask some one else, I don't know her first name.
Q What kind of a house did she live in? A In a double log house.
Q How far did she live from the railroad? A There was no railroad there then, when I stayed there.
Q How long did you stay there A I only stayed three or four years
Q On whose place did you live? A Old man Jack Campbell's
Q White Jack Campbell's? A Yes,sir.
Q In Jack Campbell's place, or the place he owned, now in the Cherokee Nation? A I couldn't tell you that; it was then.
Q Was it over in the Cherokee Nation, what is known as the Jack Campbell place? A Yes,sir.
Q How long has it been since you were down there? A Well, a right smart while
Q Where was Jack Chambers living when you saw the applicant there?
A All lived there together, on this side the River.
Q Where was the Jack Campbell farm from where the Payne Brothers farm is on this side of the River? A I can't answer that.
Q Where was it from where the Joe Alexander farm is now?
A I don't know.
Q Now, it was in 1866, you say, that you saw this man down there?
A Yes,sir.Q And he had not quite laid by his crop?
A Crop was not quite laid by.
Q How much land did he cultivate? A I couldn't tell you that.
Q Answer me this question, don't you know that this applicant was not big enough to hold up a hoe handle in '66, much less plow. A He was a good sized boy.
Q Do you know that his own statement shows that he was born in Texas, during the war. A I don't know nothing about that.
Q You did not know this applicant until about two years ago?
A Why, I knew him in Sequoyah District, as I said.
Q Do you tell me now that this applicant was big enough to tend a corn crop in the Cherokee Nation in 1866?
A With his father.
Q Do you tell me now that this applicant Charley Bowland, was big enough in 1866 to plow or hoe a crop?
A I don't say anything about plowing, I said he helped work a crop, helped make the crop.
Q He was old enough then in 1866 to do farm work, was he?
A He was in the field there, working with his father.
Q How big was he? A He was about, as near as I can tell you, when I seen him there, him and his father, working there at Mrs. Franklin's, I think he was near about 10 or 12 years old.
Q He could not have been ten years old if he was born during the war and came back there in '66 could he?
A Well, I can't go no further; as I said he was about 12 years old
Q When you first saw this applicant in the Cherokee Nation after the war he was 10 or 12 years of age, was he?
A Yes,sir, as near as I can remember.
Q And he was big enough to do farm work? A Yes, sir, down there with his father.
Q How often have you seen him since that time? A I haven't seen him for a long time until I seen him at Braggs.
Q You haven't seen him since you left there thirty-three years ago?
A I seen him seven or eight years ago?
Q Then there was about twenty-eight years from the time you left down there until you saw him again?

A Until that time I told you about.
Q You don't know where he was born during that time? A No, sir.
Q Can you tell me who was living in Sequoyah District in 1866, any Cherokees or white families?
A Well, there was old man Jackson King.
Q Was he a Cherokee? A Cherokee.
Q Who else? A Jim Celestaker.
Q Who else? A John Little.
Q Was John Little a Cherokee? A No, sir.
Q Who else? A Old man Joe Coody.
Q Was he a Cherokee? A Yes,sir
Q Don't you know that Joe Coody and his nephew who now lives up at Coody's Bluff did not return to the Nation until 1868?
A No, sir.
Q Do you know John H. Coody at Sowata? A Yes,sir.
Q Do you know Joe Bowers? A White man? Yes, sir, I do.
Q Where was Joe Bowers living at that time? A He was living at that time, nine miles this side of Fort Smith, on Blackburn's Prairie.
Q And you did not see this applicant until Joe Bowers went to Blackburns Prairie? A Oh, yes, before that.
Q How long before that? A I could not tell you how long it has been, because I did not keep a record.
Q Well, was it a month or a week? A I did not keep account of it
Q Do you know Joe Bowers did not come to the Cherokee nation until '67? A I am not putting him in; I am not talking about him.
Q Was Sequoyah District formed in '66?
A Always been called Sequoyah since I can remember.
Q Well, you didn't know it was Sequoyah then?
A Always been called Sequoyah.
Q Step and think, wasn't it called Sunabout District up till about '69? A I don't know nothing about that.
Q You don't know nothing about this do you? He was born in Texas wasn't he? A I don't know where he was born.
Q Did you ever know the Payne Brethers? A No , sir
Q Never knew them? A I used to hear of some white man there, I think they called him Payne.
Q When was that with reference to when you saw this applicant.
Q That was since that; I was not acquainted with Payne.
Q Do you know John E. Gunter? A Yes,sir, I know John E. Gunter
Q Was he living down there then? A No, sir, he wasn't living there then.
Q You are positive this fellow was 10 or 12 years old when you saw him? A As near as I can guess it, he was ten or twelve years old.
Q Well, tell me another child that you met down there in '66 that you remember now? A I cannot tell you, because there wasn't many in there then.
Q Didn't you meet some of Mattie Albert's family down there?
A I called her name awhile ago.
Q Can you tell me whether this applicant was in the Cherokee Nation, living there, before Martha Albert returned to the Cherokee Nation? A What Martha Albert?
Q The Martha Albert you have been talking about?
A Yes, Mattie Albert.
Q Can you tell me any of Mattie Albert's family's name?
A None but Charley Rowland.
Q He is her nephew? A She is his sister.
Q Had she returned to the Cherokee Nation when you saw him down there? A He was at her house.

Q Then Charley did not come back any earlier than she did, did he?
A Not as far as I know of.

The attorneys for the Cherokee Nation desire to call the Commission's attention to the case of Martha Albert, R-414 was originally R-48, which has been rejected by the Department.

BY E. T. WALWORD:

Q The crop that you referred to in your testimony as being cultivated by Charley Bowland, was the crop of Charley Bowland, the father, was it? A Yes,sir.

JOHN WELTON being first duly sworn testifies as follows:

Q What is your name? A John Welton.
Q Age? A Sixty-seven.
Q Occupation? A Farmer, carpenter a little.
Q Where do you live ? A I live about three miles west of Cherokee Junction.
Q Int the Indian country or Arkansas? A Indian country.
Q Cherokee Nation? A Yes,sir.
Q Are you a citizen of the Cherokee Nation? A Yes,sir.
Q Enrolled citizen? A Yes,sir.
Q Freedman Roll? A Yes,sir
Q Do you know Charley Bowland the claimant? A Yes,sir
Q How long have you known him? A I got acquainted with him latter part of '66; December 1866
Q December 1866? A Yes,sir.
Q Where did he live at that time? A I could not tell you just exactly the place where he lived, but I supposed he stayed at his sisters.
Q Where did you see him? A I seed him between Cherokee and Fort Smith.
Q You say he was then in the Cherokee Nation? A Yes,sir in the Cherokee country.
Q Do you know who he lived with? Or who was he in company with when you saw him? A I have seen him with other people.
Q Did you know the father of the claimant, Charley Bowland?
A Yes,sir.
Q Did you see him about that time? A Yes,sir.
Q Where did you see him? A I saw him in the Cherokee Nation and in Arkansas.
Q State whether you ever saw the claimant with his father in the Cherokee Nation? A I don't remember.
Q Did you ever see him with his sister, Mrs. Albert?
A I did not see him with her, I have seen him at their house.
Q At or near his sister's house? A Yes,sir.
Q You say you saw him a number of times? A Yes,sir.
Q When was that? A In '66.
Q How do you locate him? A Well, he was in there when the treaty was made that we should all get back here within six months or we would not have any rights, and I came here to build a house for my mother and sister and brother, and during the time I built this house, why I seen this fellow here.

Q He was in too, was he? A Yes,sir.

BY MR HAYNESWORTH:

Q Uncle Jack, when you first saw Charley Rowland here with Blake as you said, about how old was he? Well, he must have been 18 or 19 years old, something like that, I can't tell much of a boys age.
Q You have any knowledge of his father living in the Cherokee Nation? A Yes,sir, he lived there.
Q Do you state you never saw him? A Well, I don't know as I ever saw him at home.
Q Have you any knowledge of Charley Rowland ever living in the Cherokee Nation, since the war? A Yes,sir, I have always heard of him living here.
Q Was you ever at his house? A I never was at his house.
Q And you know nothing of your own personal knowledge as to whether Charley Rowland's father ever lived in the Cherokee Nation since the war? A Yes,sir, I have known of him living in the Cherokee Nation since the war.
Q Well when was it? A I don't know as I can tell just when it was I did see him.
Q How many years after the war before you saw Charley's father living in the Cherokee Nation. I could not tell you just exactly how long it was.
Q Well, about how many years? A I could not say, it was a year or two, I couldn't say exactly.
Q Where was he living when you first saw him in the Cherokee Nation? A He was living on Lee's Creek when I first saw him, He said he was living on Lee's Creek.
Q Were you ever at his house? A On Lees Creek? No, sir.
What part of Lee's Creek was he living on? A I forget the names, but not far from Webber's, about a mile and a half from Martha Webber's
Q How long have you lived down in that country? A I have been there since 1868.
Q And this is the first time you ever appeared as a witness for this applicant? A I was a witness against him once.
Q Well, when did you make up your mind that you saw him down there? A I put in just the same evidence for him that I put in against him, what I know about him.
Q Where was he living when you first saw him? A I don't know, I thought he lived with his sister.
Q Who was his sister? A Mattie Alberts.
Q Did you ever know of himliving in the Cherokee Nation before Mattie Albert returned to the Cherokee Nation?
A Well, I understood that she-- her husband and---
Q Now, I am asking you if you ever saw this man in the Cherokee Nation before Mattie Albert came in? A I don't know just when Mattie Albert came in.
Q Well, which came first, he or Mattie Albert.
A That's another thing I don't know for certain:
Q How far did they live from where you lived? A About three miles.
Q They lived nearer Fort Smith than where you lived? A No,sir.
Q What direction did they live from you? A About a north course, pretty well.
Q Did you know this applicant before the war? A No, sir
Q What Cherokee family lived near you at the time you first saw this applicant in the Cherokee Nation. A Well, there was old man Campbell.
Q What was his first name? A Jack Campbell.
Q Was Jack Campbell a Cherokee ? A Wellll, I take that back, he was a white man with a Cherokee family.
Q He did not have a Cherokee family until about '70 did he?
A Why, he had a Cherokee family before the war.

Q What other Cherokee was living down there?
A George Johnson, Jackson King's family.
Q You don't mean to tell me that you go Johnson's family was living in Sequoyah District in '66, does you John?
A He was always around there, I may be a little mistaken, but he always was around, there.
Q George Johnson did not come down there until after John Vann died up at Tahlequah? A I seen him there in '66.
Q Well, what others did you know there? A Well, I couldn't tell you all I seen, I seen a good many of them Cherokees down there.
Q Now , do you mean to tell me that this applicant was in Sequoyah District in '66 . A Yes,sir.
Q And that he was then ten or twelve years old? A Well, I guess maybe he was a little more than that.
Q Don't you know this applicant was born in Texas during the war?

and that he so testified? A You are mistaken there, that he was born in Texas since the war.
Q During the war? A I don't know now that could have been.
Q Do you know where he was born? A No, sir.
Q Do you know when he was born? A No, sir.
Q Then why did you say that was a mistake? A He was too large.
Q You never saw him in the Cherokee nation before the war did you?
A No, sir.
Q What district did you live in before the war? A Delaware.
Q Delaware district is something like a hundred miles from Fort Smith, isn't it? A I don't know.
Q You know it is a considerable distance don't you? A Might smart distance.
Q Tahlequah and Flint and Goingsnake and Illinois lie in between them don't they? A Yes,sir.
Q Do you know Joe Bowers? A Yes,sir.
Q How long have you known him? A W First time I seen him was in '66.
Q How far did he live from where you say this applicant was?
A Why-- yes, sir.
Q Where did he live? A When I first knew him he was driving a water wagon in Fort Smith.
Q What I am asking you is where was he living after this applicant returned? A I don't recollect just exactly, when Joe Bowers came in there to live he was passing back and forth pretty often.
Q When did he come to Blackburns Prairie? A I don't know that
Q How far did you live from that prairie? A Some three miles.
Q You have been living there since '66? A Yes,sir.
Q How far do you live from the Pattons that live down there? -- in Sequoyah district? A I don't know as I was ever at their place.
Q Well you live now, you say, within three miles of Cherokee Junction? A Yes, sir, I live down in there
Q Where is your home? A I aint got any home.
Q Where do you stay? A Mrs. Jackson's, Mrs. Benton's, first one place and another.
Q Tell me some boy down there that you never knew before '66 that you now remember? A I don't understand you.
Q I want you to tell me some boy that you met down there in 1866, that you can remember now, give me the name of someone.
A There was Lewis Johnson.
Q George Johnson's son? A No, sir, a cousin, I think, and another boy by the name of Jes Johnson, and Dennis Bean.
Q Dennis Bean does not claim to have lived in Sequoyah district in 1866 does he? A Yes,sir .
Q Why, don't you know he doesn't claim that?

Objected to by attorney for applicant.
Objection noted.

A I don't know what he claims, I know where I saw him.
Q Did you have a family in 1866? A No, sir, never did have any family.
Q What is your post office now? A Roland.
Q Where is Roland from Cherokee Junction? A About five miles.
Q Towards Muldrow? A Yes,sir.
Q Where does this applicant live? A He tells me he lives at Braggs.
Q But do you know? A To my own knowledge I don't know.
Q Did he ever keep house in Sequoyah District? A Yes,sir.
Q You have been to his house? A Yes,sir
Q When was that? A I could not tell you just the year; I have been to his house several times.
Q How does it happen if he was there in '66 that he never got on any roll? A I don't know, sir.
Q You know that he is not even on the Kerns-Clifton roll, don't you.
Attorney for applicant objects

A I don't know that.
Q Did you ever know of him drawing money as a Cherokee freedman?
A I don't know whether he drawed or not.
Q Don't you know that he did not? A No, sir, I don't know that he did not.
Q You say you testified in this case once before? A Yes,sir.
Q When was that? A That was on the Kerns-Clifton Roll
Q What year was that? A I don't know as I can remember just now.
Q You remember '66, why can't you remember when the Kerns-Clifton roll was made.
A Sometimes things slip my mind. I think that was in 1896.
Q Do you know what year this is? A This is 1904.
Q You say you saw this applicant in Sequoyah district 38 years ago
A I don't know how many years ago it was, but it was December 1866
Q What makes you remember it was December? A Because I went to work on my house in December .
Q How do you know you began your house in December?
A Because I went to work on because the time was running out
Q What time do you refer to? A That six months limit that we had to get back in.
Q Well, where were you when this time was about to elapse?
A I was down in Fort Smith, my mother lived in Fort Smith, and I was working back and forth from there and over in here, and I wanted to get the house to put her and my brother and sister in.
Q Houses were plenty in there then? A No, sir, and there wasn't any on the place where I was going to make a crop at.
Q You had been back and forth in the Nation all the time from '66?
A Yes,sir, sometimes we was in Fort Smith and sometimes ofer here.
Q Don't you know you never thought anything about getting back here in December, before the time elapsed if you had been backs and forth all the time

A Yes,sir, and I built a house for my mother.
Q Don't you know you never thought about that? A Yes, sir, I did, I understood we had to get back by the first of January, so I went to work on the house, I didn't know we had any more time than that.
Q Did you tell before the Verna-Clifton Commission that you built your house in December? A I don't know whether I said December, I said the last part of the year.
Q Did you tell the Verna Clifton Commission when you were a witness for or against this applicant, that you saw this applicant in Sequoyah District, Cherokee Nation, in December, 1866. A Yes,sir.

BY COMMISSION:

Q Do you know to whom this man belonged when the war broke out?
A No, sir.
Q Don't know who his owner was? A No, sir.
Q You never had seen him until after the war? A No, sir.
Q And you did not see him at his sister's, Martha Albert's?
A No, sir.
Q Where did you see him? A I seen him sometimes on the road between Fort Smith and where Cherokee is now, and I seen him at Jack Campbell's, the slave Jack Campbell's and white Jack Jack Campbell's too, at both places.
Q Was he living with his sister at that time? A I don't know, I suppose he was.
Q You don't know where he was living. A No, sir.
Q You mean you have met him on the road? A I have met him in the road.
Q How was he travelling? A A foot, walking.
Q Been over to Fort Smith? A I would not tell you where he had been.
Q And you think he was at least 10 or 12 years old? A I can't tell, he might have been something above that.
Q As much as fourteen? A I don't know, somewhere about there.
Q You are certain he was that old are you? I couldn't tell just how old, but my belief is he was something like that.
Q Was he as much as 12 years old you think? A I think he was.

CHARLEY BOWLAND being duly sworn, testifies as follows:

BY COMMISSION:

Q Your name is Charley Bowland? A Charley Bowland
Q How old are you Mr. Bowland? A I don't know how old I am, I have no idea as to my certain age.
Q Where were you born? A I always supposed I was born during the war; my mother died when I was quite small
Q That was your understanding, that you were born during the war in the state of Texas? A On Red River.
Q In Texas? A I don't know, I was always told it was on Red River.
Q You have no recollection yourself of the Civil War?
A No, I don't remember anything about it.

Q You don't remember when peace was made? A I don't remember anything about it, all I remember, I remember when we got to Fort Smith. It might have been right at the first of the war when I was born, might not, I don't know.
Q Who was your father's owner? A My father never had no owner.
Q Who was your mother's owner? A Jameson Whitaire.
Q Was Jameson Whitaire a a Cherokee Indian by blood.
A I always heard he was a Cherokee by blood.
Q Was your father a colored man? A My father was known as a Cherokee. You will find him on the Cherokee roll, and me too.
Q He was not a slave before the war? A No, sir.
Q With whom did you come to the Cherokee Nation, if you remember
A With Charles Rowland.
Q Q With your father? A Yes,sir
Q Who else came with you? A No, one else came but just us, that I know anything about.
Q You came to your sister's in the Cherokee Nation?
A My sister was living on the Benge place, and my father came over there and stayed there with her.
Q What was your sister's name? A Mattie Albert
You came from Red River to Fort Smith and from there you and your father came over to where your sister, Mattie Alberty was living in the Cherokee Nation, is that it?
A No, that wasn't what I wanted to say.
Q Well, tell us what you wanted to say ?
A Well, when we came to Fort Smith she came over to the Cherokee Nation, and my mother was sick and died, and we burried her there, my father did, and then we came over here.
Q Then, when you came to the Cherokee Nation Charley, your sister was living on the Benge place in Sequoyah District?
A When I come from Fort Smith? Yes sir.
Q That was the first time you had been in the Cherokee Nation, to your knowledge? A To my knowledge that was the first time?
Q You are married and have some children, Mr. Rowland? A Yes,sir

Q What was your wife's name? A Sarah Vaughn.
Q That was her name before you married her? A Before I married her, yes sir.
Q Does she claim any rights as a Cherokee Freedman? A No, sir.
Q She is a State woman is that A Yes,sir, a State woman.

-o-o-o-o-o-o-o-

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she has correctly recorded the proceedings and testimony in this case, and that the above and foregoing is a full and correct transcript of her stenographic notes therein.

Lucy M Bowman

Subscribed and sworn to before me this

30 day of November, 1904.

Charles J. Jacobson
Notary Public.

Cherokee Freedmen-5-316.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charley Rowland et al, as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on June 17, 1902 Charley Rowland appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Nettie Sam, Eddie, Charley Jr., and Jenny Rowland, as Cherokee Freedmen. Further proceedings were had in the matter of this application at Muskogee, Indian Territory on November 17, 1904. A copy of the testimony taken at Fort Gibson, Indian Territory on September 4, 1901, in the matter of the application of Martha Albert et al. for enrollment as Cherokee Freedmen, is filed with and made a part of the record in this case.

It appears from the record herein that the principal applicant, Charley Rowland, was born after the beginning of the war of the Rebellion, and claims his right to enrollment through his mother, Nancy Whitmire, who intimated to have been the slave of Johnson Whitmire, a Cherokee citizen, at the beginning of said war. The evidence herein shows that the said Nancy Whitmire was not the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the beginning of the war of the Rebellion, and it does not appear that the said Charley Rowland has any right to enrollment through his father, who is alleged to have been a free colored person. The minor applicants herein possess no rights except those derived through their father, the said Charley Rowland.

None of the applicants can be identified upon either the 1880 authenticated roll or the 1896 Dawes Roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the

[illegible] for the [illegible] of [illegible], [illegible] [illegible], [illegible], [illegible], [illegible] [illegible] [illegible]

Cherokee Freedmen R-338.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charley Bowland et al. as Cherokee Freedmen.

O R D E R.

It is ordered that copies of the testimony taken at Fort Gibson, Indian Territory, on September 4, 1901, in the application of Martha Albert et al. for enrollment as Cherokee Freedmen, case number R-418, be filed with, and made a part of the record in the application of Charley Bowland et al., for enrollment as Cherokee Freedmen, case number R-338.

Tams Bixby.
Commissioner.

Muskogee, Indian Territory,

Oct. 9, 1904

F. T. 335

IN RE

Application for Enrollment of

INFANT CHILD

Don Rosland

as a citizen of

CHEROKEE Nation

Approved DEC 13 1904 /90

TAMS BIXBY

Commissioner

Application made June 17-1902.

FILED DEC 13 1904

COMMISSION TO FIVE TRIBES.

CFR 335-

[illegible]

[illegible] TO THE FIVE CIVILIZED TRIBES.

[illegible]

of Ben Bowland [illegible]

Name of Father Charlie Bowland [illegible]

Name of Mother Sarah Bowland [illegible]

Residence Wagoner, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Sarah Bowland, on oath state that I am 37 years of age and a citizen, by adoption, of the Cherokee Nation, that I am the lawful wife of Charlie Bowland, who is a citizen, by adoption, of the Cherokee Nation, that a male child was born to me on 25 day of November, 1896, that said child has been named Ben Bowland, and is now living.

Sarah Bolden

Witnesses to Mark:

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of November 1904.

(SEAL) Edward McLain
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Vina Vehn, a Mid-wife, on oath state that I attended on Mrs. Sarah Bowland wife of Charlie Bowland on the 25 day of November, 1896, that there was born to her on said date a male child; that said child is now living and is said to have been named Ben Bowland

her
Vina X Vehn
mark

Witnesses to Mark:

(Must be Two Witnesses)
Ed McLain
John P. McGee

Subscribed and sworn to before me this 22 day of November 1904.

(SEAL) Edward McLain
Notary Public.

F. N. 338.

IN RE

Application for Enrollment of

INFANT CHILD

James Bowland

as a citizen of

Cherokee Nation

Approved Dec 13 1904 190

TAMS BIXBY

Commissioner

Application made June 17-1902.

FILED DEC 13 1904

COMMISSION TO FIVE TRIBES.

CG R 335

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE APPLICATION FOR ENROLLMENT as a citizen of the Cherokee Nation,

of James Bowland, born on the 20 day of June, 1894

Name of Father Charlie Bowland, a citizen of the Cherokee Nation,

Name of Mother Sarah Bowland, a citizen of the Cherokee Nation,

Post Office Braggs, Ind. Ter.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Sarah Bowland, on oath state that I am 37 years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of Charlie Bowland, who is a citizen, by adoption of the Cherokee Nation; that a female (State or Female) child was born to me on 20 day of June 1894, that said child has been named James Bowland, and is now living.

Sarah Bolden

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of November 1904.

(SEAL)

Edward McLain
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Vina Vohn, a mid-wife, on oath state that I attended on Mrs. Sarah Bowland, wife of Charlie Bowland on the 20 day of June, 1894; that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named James Bowland

her
Vina X Vohn
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
Ed McLain
John P. McGee

Subscribed and sworn to before me this 22 day of November 1904.

(SEAL)

Edward McLain
Notary Public.

F. B. 559

IN RE

Application for Enrollment

INFANT CHILD

Charley Rowland Jr.

as a citizen of

Cherokee Nation

Approved Dec 13 1904 190

TAMS BIXBY

Application made June 17-1902.

FILED DEC 13 1904

COMMISSION TO FIVE TRIBES.

C. F. R. 335

COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible] Cherokee [illegible]

of Charlie Bowland Jr [illegible] Sept. [illegible]

Father Charlie Bowland a citizen of the Cherokee nation

Mother Sarah Bowland a citizen of the Cherokee nation

Postoffice Braggs, Ind. Ter.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western District.

I, Sarah Bowland, on oath state that I am 37 years of age and a citizen, by adoption of the Cherokee Nation, that I am the lawful wife of Charlie Bowland, who is a citizen, by adoption of the Cherokee Nation, that a male child was born to me on the 21 day of Sept 1890, that said child has been named Charlie Bowland Jr and is now living.

Witnesses to Mark:

(Sign in Two Witnesses)

Sarah Bolden

Subscribed and sworn to before me this 22 day of November 1904

(SEAL)

Edward McLain
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western District.

I, Vina Vehn, a mid-wife, on oath state that I attended on Mrs. Sarah Bowland, wife of Charlie Bowland on the 21 day of Sept 1890; that there was born to her on said date a male child; that said child is now living and is said to have been named Charlie Bowland Jr

her
Vina X Vehn
mark

Witnesses to Mark:

(Sign in Two Witnesses)

Ed McLain
John P. McGee

Subscribed and sworn to before me this 22 day of November 1904

(SEAL)

Edward McLain
Notary Public.

04 N. 7535-

F. B. 238

IN RE

Application for Enrollment of

INFANT CHILD

Eddie Rowland

as a citizen of

Cherokee Nation

Approved Dec 13 1904 190

TAMS BIXBY

Application made June 17-1902.

FILED DEC 13 1904

COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the application for enrollment as a citizen of the Cherokee Nation of Eddie Bowland born on the 3 day of June 1888

Father of Parent Charlie Bowland a citizen of the Cherokee Nation

Mother of Mother Sarah Bowland a citizen of the Cherokee Nation

Post Office Braggs, Ind. Ter.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I Sarah Bowland on oath state that I am 37 years of age and a citizen, by adoption of the Cherokee Nation, that I am the lawful wife of Charlie Bowland, who is a citizen, by adoption of the Cherokee Nation that a male (State or Female) child was born to me on 3 day of June 1888, that said child has been named Eddie Bowland and is now living.

Sarah Bolden

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of November 1904

Edward McLain
Notary Public.

(SEAL)

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Vina Vohn, a mid-wife, on oath state that I attended on Mrs. Sarah Bowland, wife of Charlie Bowland on the 3 day of June, 1888; that there was born to her on said date a male (State or Female.) child; that said child is now living and is said to have been named Eddie Bowland

her
Vina X Vohn
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
Ed McLain
John P. McGee

Subscribed and sworn to before me this 22 day of November 1904.

(SEAL)

Edward McLain
Notary Public.

194 R 353

F. R. 330

C F R 330

IN RE

Application for Enrollment of

INFANT CHILD

Mattie Rowland

as a citizen of

Cherokee Nation

Approved Dec 13 1904 YE

TAKE NOTICE

Application made June 17-1902.

FILED DEC. 13, 1904.

COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible] as a citizen of the Cherokee Nation

of Mattie Bowland born on the 28 day of January 1884

Father of Child Charlie Bowland a citizen of the Cherokee Nation

Mother of Child Sarah Bowland adopted a citizen of the Cherokee Nation

Post Office Braggs, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Sarah Bowland, on oath state that I am 37 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Charlie Bowland, who is a citizen, by adoption, of the Cherokee Nation; that a female child was born to me on 28 day of January, 1884; that said child has been named Mattie Bowland, and is now living.

Sarah Bolden

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of November 1904.

(SEAL).

Edward McLain
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Vina Vohn, a mid-wife, on oath state that I attended on Mrs. Sarah Bowland, wife of Charlie Bowland on the 28 day of January, 1884; that there was born to her on said date a female child; that said child is now living and is said to have been named Mattie Bowland

her
Vina X Vohn
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
Ed McLain
John P. McGee

Subscribed and sworn to before me this 22 day of November 1904.

(SEAL)

Edward McLain
Notary Public.

Muskogee Indian Territory, Feb 13th 1904

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Charles Berland.

et al vs Justice Freedman.

Z. T. Walrond

Attorney for Applicant.

Muskogee, Indian Territory, [illegible] 190[illegible]

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES one copy of the testimony in C.E.R. [illegible] Johnson v. Whitley.

[illegible] and [illegible]
Attorney, for Applicant.

by [illegible]

FILED
JUN 27 1902

[illegible]

CHEROKEE FREEDMEN

Date [illegible]

Post office [illegible]

District [illegible]

1. Name [illegible] Age [illegible]

Cherokee name [illegible] Citizenship [illegible]

Year Page No. District

Parents

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

2. Name of wife [illegible] Age [illegible]

Cherokee name Citizenship

Year Page No. District

Parents

Father [illegible] Citizenship

Mother [illegible] Citizenship

Names of Children

		Year	Page	No.	Dist.	
1	[illegible]	Year	Page	No.	Dist.	16
2	[illegible]	Year	Page	No.	Dist.	14
3	[illegible]	Year	Page	No.	Dist.	12
4	[illegible]	Year	Page	No.	Dist.	9
5	[illegible]	Year	Page	No.	Dist.	6
6	[illegible]	Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Stenographer

Cherokee Freedmen

D-128.

Muskogee, Indian Territory, July 9, 1904.

Charley Bowland,

Braggs, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show the date of your return to the Cherokee Nation after the close of the war of the rebellion. It is also desired that you furnish the Commission with affidavits as to the births of your minor children, [illegible], Ben, Ed, Charley and James Bowland.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 1 B. A.

[illegible]

[illegible]

Muskogee, Indian Territory, July [illegible], [illegible].

W. W. [illegible],

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of [illegible] [illegible] for the enrollment of himself and minor children as Cherokee freedmen [illegible], [illegible], [illegible], [illegible] that before the [illegible] can [illegible] a final decision in this case it will be necessary that further testimony be introduced tending to show the date of applicant's return to the Cherokee Nation after the close of the war of the rebellion.

The applicant has been fixed this day upon direction to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Muskogee Freedmen
Enrl.

Muskogee, Indian Territory, July 7, 1904.

Charlotte Polte,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor child, Estella Pauline, as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of and rebellion, and as to whether or not you returned to the Cherokee Nation after the war within the time allowed in the Treaty of 1866. You are also desired to furnish the Commission with an affidavit as to the birth of your minor child, Estella Pauline Polte.

You are therefore hereby directed to appear before the Commission at its office in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 1 H. A.

Cherokee Freedmen
Final.

Muskogee, Indian Territory, August 11, 1904.

Charley Rowland,
Braggs, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of July 26, stating that you were unable to appear before the Commission on the date set for further hearing in the matter of your application for enrollment as a Cherokee freedman.

In reply you are again advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, September 20, 1904, and introduce the testimony of such witnesses as you may be able to procure in support of your application for the enrollment of yourself and children as Cherokee freedmen. It is especially desired that you have testimony as to the date of your return to the Cherokee Nation after the war.

Respectfully,

Registrar. Commissioner in Charge.

Cherokee Freedmen
C-828

Muskogee, Indian Territory, October 13, 1904

Charley Rowland,

Braggs, Indian Territory,

Dear Sir:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Register

SIGNED T. B. Needles,
Commissioner in Charge.

[illegible]

[illegible],

Muskogee, Indian Territory, November [illegible], 1904.

Charley Rowland,

Braggs, Indian Territory.

Dear Sir:

The Commission is in receipt of affidavits executed on November 22, 1904, showing the births of children to Charley and Sarah Rowland as follows:

On January 28, 1886, Mattie Rowland; on November 25, 1886, Ben Rowland; on June 3, 1888, Eddie Rowland, on September 21, 1890, Charley Rowland Jr., and on June 20, 1894, James Rowland.

Said affidavits being in due form will be filed with and made part of the record in this case.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Cherokee Freedmen
Roll.

Muskogee, Indian Territory, December 18, 1906.

M. T. Waldron, Attorney for
Harley Rowland, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory on November 17, 1906, in the matter of the application for the enrollment of Charley Rowland, et al., as Cherokee Freedmen, together with a blank receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

Encl. 00-24.

Tams Bixby,
Chairman.

Dawes Commission
[illegible]

Muskogee, Indian Territory, February 13, 1906.

C. R. Holderman,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 7, 1906, asking to be advised as to the status of the application for the enrollment of Charley Bowlan as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared the parties concerned will be furnished with a copy.

Respectfully,

Tams Bixby.
Chairman.

Cherokee Freedmen

Docket.

Muskogee, Indian Territory, May 2, 1906.

Charles Rowland,

Braggs, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1906, rejecting the application for the enrollment of yourself and your minor children as Cherokee freedmen. There has heretofore been furnished your attorneys, Hise & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. 3-42
Register

(S-47)

[illegible] Department

D-[illegible]

Muskogee, Indian Territory, May [illegible], 1907.

Blue & Bulger,

Attorneys for Charley Bouland, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May [illegible], 1908, rejecting the application for the enrollment of Charley Bouland, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-47
Register

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
Roll.

Muskogee, Indian Territory, May 2, 1908.

Dell, Mastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1908, rejecting the application for the enrollment of Charley Rowland, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-48

[illegible]

[illegible]
[illegible]

Muskogee, Indian Territory, Dec 2, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Charley Rowland, et al., as Cherokee freedmen, including the Commission's decision dated May 2, 1908, rejecting said application.

Respectfully,

Tams Bixby
Chairman.

Incl. 2673

Through the

Commissioner of Indian Affairs.

Refer in reply
to the following:

Land
Examination

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 18, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 8, 1906, transmitting the record of the application for enrollment as Cherokee Freedmen by Charley Rowland for himself and his minor children, Mattie, Ben, Eddie, Charley Jr., and James Rowland.

May 2, 1906, the Commission decided adversely to the applicants.

The record shows that the principal applicant was born after the beginning of the war of the rebellion and claims his right to enrollment through his mother, Nancy Whitmire, who is alleged to have been the slave of a Cherokee citizen at the beginning of the war. The record further shows that Nancy Whitmire was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion, and it does not appear that Charley Rowland has any right

[illegible] enrollment through his father, who is alleged to have been a full blood person. The minor applicants possess no rights except as descendants of their father, Charley Lockhart.

None of the applicants is identified upon any tribal roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

G. P. Larrabee

Acting Commissioner

K.M.M.

W.

(COPY)

A. C. [illegible]
L.T.B. [illegible]

I.T.
[illegible]

DEPARTMENT OF THE INTERIOR

L S S

WASHINGTON.

August 9, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 2, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Charley Rowland and his minor children, Mattie, Ben, Eddie, Charley Jr., and James Rowland, as Cherokee freedmen, including its decision of the same date, rejecting said application.

Reporting May 15, 1906, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

Cherokee Freedmen

Enrl.

(LS)

Muskogee, Indian Territory, August 13, 1908.

Charley Rowland,

Braggs, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1908, rejecting the application for the enrollment of yourself, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1908.

Respectfully,

Acting Commissioner

LS

Cherokee Freedmen

S-68.

Muskogee, Indian Territory, August 14, 1908.

Dana A Dodger,

Attorneys for Charley Rowland,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the five Civilized Tribes, dated May 2, 1908, rejecting the application for the enrollment of Charley Rowland, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1908.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

W. O. Beall

Acting Commissioner

LS

Incl. S-68

Cherokee Freedmen

R-114.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Charley Bowland, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

W. O. Beall

Acting Commissioner

LS

Incl. S-69

Cherokee Freedmen

R-934.

Muskogee, Indian Territory, November 27, 1906.

Charley Rowland,

Braggs, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of November 3, asking that you be given a rehearing in the matter of your application for the enrollment of yourself and children as Cherokee freedmen.

In reply, you are advised the records of this office show that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting your application for the enrollment of yourself and children as Cherokee freedmen, was approved by the Secretary of the Interior on August 7, 1905.

You are further advised that if you have discovered new evidence that is material to your case and will advise this office in detail the nature of the same, and file affidavits of the persons whose testimony you desire to introduce in the event your case is reopened for a rehearing, stating fully the facts to which they will testify, evidence of service on the attorneys for the Cherokee Nation of copies of all papers filed to be furnished,

the same will be transmitted, with recommendation, for the consideration of the Secretary of the Interior.

Respectfully,

Acting Commissioner.

LS

Cherokee Freedmen

[illegible]

B-[illegible].

Muskogee, Indian Territory, December [illegible], 1908.

Charley Dowland,

Braggs, Indian Territory.

Dear Sir:

This office is in receipt of your letter of December [illegible], in response to this office's communication dated November [illegible]. You state that you were informed that a rehearing would be granted you in your Cherokee freedman case and ask to be advised if you will have to introduce witnesses before this office or whether you can take their testimony before a notary public.

In reply, you are advised that the former communication of this office referred to did not advise you that your case had been reopened for a rehearing, but only advised you the conditions under which it had been the practice of the Department to reopen Cherokee enrollment cases.

The decision of the Commission to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and children as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1905, and unless said case is reopened by the Department this office is without authority to take

further proceedings with reference thereto.

Respectfully,

[redacted]

Acting Commissioner.

Cherokee
F B 888.

Muskogee, Indian Territory, March 1, 1906.

Charley Bo[redacted]

Markle, Indian Territory.

Dear Sir:

This office is in receipt of an affidavit signed by Charley Bolin as to the citizenship in the Cherokee Nation of Charley Bolin. No letter of transmittal was received with this affidavit.

The same is returned herewith and you are advised that the applicant in whose behalf this affidavit is filed has been identified upon the records of this office as an applicant for enrollment as a Cherokee freedman under the name of Charley Bowland. You are further advised the records of this office show that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application of Charley Bowland for the enrollment of himself and children as Cherokee freedmen was affirmed by the Secretary of the Interior on August 7, 1905. There appears to be nothing contained in said affidavit which was not considered in connection with his application for enrollment.

Respectfully,

Incl. GL-151.
GHL

Acting Commissioner.

Cherokee
P B 131.

Muskogee, Indian Territory, March 1, 1906.

James Taylor,

Braggs, Indian Territory.

Dear Sir:

This office is in receipt of an affidavit executed by you on February 26, 1906, as to the right to enrollment as a citizen of the Cherokee Nation of Charles Bowland. No letter of transmittal was received with this affidavit.

The same is returned herewith and you are advised that the applicant in whose behalf this affidavit is filed has been identified upon the records of this office as an applicant for enrollment as a Cherokee freedman under the name of Charley Bowland. You are further advised the records of this office show that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application of Charley Bowland for the enrollment of himself and children as Cherokee freedmen was affirmed by the Secretary of the Interior on August 7, 1905. There appears to be nothing contained in said affidavit which was not considered in connection with his application for enrollment.

Respectfully,

Acting Commissioner.

Incl. GL-152.
GHL

Char. Fr. R. 336

Trans from Char. Fr. Memo 29

Char. Fr. R. 336

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1906.

In the matter of the application of Charlotte Potts, for the enrollment of herself and her daughter Estella Berdine, as Cherokee Freedmen.

CHARLOTTE POTTS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Charlotte Potts.
Q How old are you ? A I don't know exactly how old I am. About how old ? How old were you when the war came up ?
A I think they said I was about six or seven years old, when the war broke out.
Q What is your post office address ? A In Muskogee.
Q Are you living in the Creek Nation ? A Yes sir.
Q Where were you born ? A Over here at Fort Gibson.
Q Do you make application for enrollment as a Cherokee Freedman ?
A Did I ever ?
Q Do you now ? A Yes sir.
Q Do you want to apply for anyone besides yourself ?
A I have four children.
Q How old is the youngest one ? A Seventeen.
Q How old is the oldest one ? A The oldest one is about 36.
Q Are any of them married ? Have you got any of them at home ?
A I have. All of them are married but one.
Q That's the youngest one ? A Yes sir.
Q What is the name of that child living at home and unmarried ?
A Estella.
Q Is she seventeen years old ? A Yes sir.
Q Is her name Estella Potts ? A She goes by the name of Estella Berdine.
Q What is your father's name ? A Really I don't know my father's name, he died when I was small.
Q What is your mother's name ? A Myra Scott.
Q Is she living or dead ? A She's dead. Been dead quite a while.
Q Was she a Cherokee Freedman ? A Yes sir.
Q Who did you belong to when the war broke out ?
A Starling Scott.
Q Where did he live at that time ? A He lived over in the Cherokee Nation, at Fort Gibson.
Q What was his citizenship ? A I don't know.
Q Was he a white man ? A No sir, he was a Cherokee.
Q A Cherokee by blood ? A Yes sir.
Q Did you live in the Cherokee Nation at the out-break of the war ?
A My mother stayed there while after the war, she went to Webbers Falls, and was taken sick and died there.
Q Did you leave the Nation after the war ? A No sir, I didn't stay at one place, I stayed in the Cherokee Nation.
Q Did you leave the Nation during the war ? A No sir.
Q Did you leave it afterwards ? A No sir, I stayed around, and the nearest I went was to Fort Smith.
Q When did you go to Fort Smith ? A I went after my mother died.
Q When ? A After the war.
Q How long after the war ? A About a year, maybe, afterwards.
Q You are sure it was as much as a year after the war that she died ? A Yes sir, maybe more. I was young, I don't know really.
Q How long did you stay at Fort Smith ?
A About a year or so. But I stayed in the Nation the most of the

time working.
Q When did you go there ? A I signed around in the Nation, but that somewhere.
Q How long have you been out of the Nation at any one time ?
A About a year at a time.
Q Is that the longest you have been out ? A That's the longest at a time. I have been in different Nations though.
Q Have you ever drawn any money ? A No sir.
Q Have you ever drawn for your child Matilda ? A No sir.
Q Who is Matilda's father ? A There he is.
Q What is his name ? A He goes by the name of Joseph Potts. But his right name is Burdine.
Q What name is he going by to-day ? A Joseph Potts.
Q Is he a Shawnee man ? A Yes sir.
Q He has never been recognized as a citizen ? A No sir.
Q Did you ever apply to the authorities of the Nation for enrollment ? A No sir, I never did go through the Dawes Commissioners. I had lawyer Ferguson try to get it up for me, but he never did.
Q How long have you been married to Potts ?
A About twenty years or going on twenty-two.
Q What name were you going by before you took his name ?
A By the name of Tyson.
Q Were you married to a man named Tyson ? A Yes sir; he was a Chickasaw.
Q How long did you live down there ? A About twelve years I guess; he died down there.

--The tribal rolls of the Cherokee Nation examined , and neither the applicant nor her child are identified thereon.

--Charlotte Potts applying for the enrollment of herself and her child Matilda Burdine as Cherokee Freedmen. Neither the applicant nor her child are identified upon any of the tribal rolls of the Nation now in the possession of the Commission. This application comes within the provisions of the temporary injunction granted by Judge Gill of the United States Court for the Northern District of the Indian Territory, and under the provisions of said injunction this Commission is without authority to receive, consider, or make any record of this application, for the reason that the applicants are not identified upon any of the tribal rolls of the Cherokee Nation.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this June 22, 1908.

Tom Kenton
JKP

Commissioner.

FILED
DEPOSITION
COMMISSION OF EVIDENCE

FR 334

0-0-0-0---0-0-0

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Cherokee Freedman R 326.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 29, 1904.

EVIDENTIARY PROCEEDINGS had in the matter of the application for the enrollment of CHARLOTTE POTTS, ET AL., as Cherokee freedmen.

It appears that on July 7, 1904, Charlotte Potts and the attorney for the Cherokee nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 26, 1904, and then and there introduce further testimony touching the points mentioned in said letter, and the case, by agreement of the parties concerned, was continued until this the 29th day of July, 1904, when the following testimony was introduced on behalf of the applicant.

APPEARANCES:

Applicant appears in person and by attorney, R. W. Blue.
Cherokee Nation by its attorney, James S. Davenport.

POLLY ROSS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Polly Ross.
Q You are the same person who is sometimes known as Polly Wivens?
A Yes, sir.
Q How old are you? A About 59 or 60.
Q What is your postoffice address? A Fort Gibson.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicant in this case, Charlotte Potts? A Yes, sir.
Q How long have you known her? A I have knowed her a long time, but aint seen her for a long time.
Q When and where did you first get acquainted with her? A I got acquainted with her at Fort Gibson.
Q When was that? A Directly after peace was made; she was small; I knowed her mother, Myra Scott.
Q When did you first get acquainted with Charlotte's mother? A I knowed her all the time; she lived right close to us; her owner, Sterling Scott, lived right close to us.
Q Did you know this woman's mother before the war come up? A Yes, sir.
Q Did you know her child, Carlotte, before the war come up? A Yes, sir, I knowed the children, but they were small.
Q Where did Charlotte and her mother live before the war? A Right there at, across the bayou.
Q Near Fort Gibson? A Yes, sir, about four miles from Fort Gibson.
Q Were they slaves of a Cherokee citizen before the war? A Yes, sir.
Q When the war came up? A Yes, sir.
Q Do you know what became of Charlotte and her mother during the war? A During the war they were knocking around Fort Gibson; her mother was, and four children.
Q Did either Charlotte or her go out of the Cherokee Nation during the war? A I don't know.
Q When did you first see them in the Cherokee nation after the war?
A Just after the war, they were in Gibson, and when the cholera broke out all the darkies went out of Fort Gibson and then her mother took these four children and came to my mother's, and we told them we couldn't keep them and she said she was going to work somewhere, and went to Webber's falls.

Q Where did they come from when they came to your house? A Right there in town.
Q How long after the war was that when they came to your mother's house? A When was the cholera, just after peace, when the cholera—after peace was made.
Q What time of the year was it? A I don't remember that, just after peace was made.
Q Was it before or after the cholera broke out there, when they came to your mother's house? A Before.
Q How long before? A The cholera broke out in August and they came to mother's.
Q Do you remember what month it was they came to your mother's? A No, sir.
Q Was it early in the spring or late? A Early in the spring.
Q Was it getting warm weather? A Yes, sir, it was early in the spring, about the middle.
Q Were the leaves on the trees? A Yes, sir.
Q Had crops been planted? A Some, yes, sir.
Q You say they went to Webbers Falls, when did you see them again? A When they went to Webbers Falls, I went to Sallisaw and came back through Webbers Falls and her mother was cooking there, her mother died there.
Q Then what became of Charlotte, if you know? A I don't know what became of her after that.
Q You don't know anything of the children after that? A No, sir, not after that for about 10 or 12 years, I saw Charlotte in Gibson.
Q Was she living in Gibson? A No, sir, she said she was living somewhere else. I didn't ask her particularly; I asked her if she recollected me, and she said, "yes."
Q Do you know where they are living now? A Here in Muskogee.
Q Do you know of your own knowledge, you know that they live here? A No, sir, I don't.
Q Do you know whether or not they have lived outside of the Cherokee Nation or Indian Territory, within the past 20 years? A No, sir, I don't. I asked had she, and she said no.
Q Do you know if their names appear upon any of the Cherokee tribal rolls? A No, sir, I don't know.

By Mr. Blue:
Q What were the names of the owners of Myra Scott and Charlotte Potts? A Starling Scott and old aunt Betsy Scott, we called her.
Q Were they husband and wife? A Yes, sir.
Q What were their citizenship, Cherokee by blood? A Yes, sir, old Mrs. Scott is a Cherokee, but I don't know about Mr. Scott.
~~Q—Were they husband and wife?—A—Yes, sir.~~
Q Both the husband and wife were Cherokees? A I don't know about him; she is.
Q Do you know which one of them owned her? A Mrs. Scott owned these darkies, the old lady, she claimed them.
Q You say they came to your mother's place before the cholera broke out? A Yes, sir.
Q Did they stay there until the cholera broke out? A She left the children there, and she worked to help feed them.
Q When the cholera broke out what became of the children? A They ordered us all out from Fort Gibson; she went towards Webbers Falls, said she was going there.
Q About how long after that was it that you saw her there? A I reckon near about two years after that.
Q Where was Charlotte's mother and herself during the war? A A while they were there at Fort Gibson; she was, with her four children.
Q During that time did she go out of the Territory, anywhere? A Not as I know of.
Q Did you see her frequently during that time? A I saw her often and on during that time.

Q Up to the time she went to Bowers Falls how frequently did you see her? A Before she went, I seen her every two or three years. I would happen upon her, sometimes after her mother died I knowed her.
Q During war times, you say, she was at Fort Gibson, while the war was going on did you see Charlotte's mother there frequently? A Yes, sir, this is the one I am speaking about, this gal's mother.
Q Did you see her there every week or so during war times? A Yes, sir, pretty near every day and week often and so during the war.
Q Was she carried out of the Cherokee nation during the war, to your knowledge? A Not as I knew of.
Q Did Charlotte Potts ever go by any other name that you know of than Charlotte Potts? A No, sir, not as I know of; I always called her Charlotte Scott, they change the names when they marry.
Q Do you know how many children Charlotte has? A No, sir, I never asked her.
Q You don't know anything about her children? A No, sir.
Q About how old do you think Charlotte is now? A I couldn't tell you.
Q About how old was she in war times, when you first saw her? A About 10 years old, maybe older. She hired to a white lady to nurse.
Q During the war? A Yes, sir.
Q Where was that? A In Fort Gibson.

By Mr. Davenport:
Q How far did you live from Charlotte and her mother when the war broke out? A 2 1/2 miles, about.
Q How old were you at that time? A I was about, I don't know exactly how old; when the war broke out I was about grown.
Q To whom do you say Charlotte and her husband belonged at the commencement of the war? A Starling Scott and Betsy Scott is the woman, his wife.
Q She is dead now, isn't she? A Yes, sir, I think so.
Q Who of the family do you know that are living, if any? A Miss Barton is the last that is living and she is dead, is the last one of Mrs. Scott's daughters.
Q You remained at Fort Gibson all during the war, did you? A Yes, sir, I worked right there.
Q And you say this girl and the applicant here and her mother, remained at Fort Gibson all during the war? A Yes, sir, seen her backwards and forwards.
Q From where? A All through the country.
Q When did they return to Fort Gibson after the war, after you saw them backwards and forwards all through the country? A After they ordered them out of Gibson she left there and hired out.
Q How do you know, were you there? A No, sir, she said so.
Q After she left Fort Gibson you don't know where she went of your own knowledge? A No, sir, I just asked the children.
Q How long after the war was it until you saw Charlotte? A It was five or six years after peace was made.
Q Where was she living at that time? A She hired to a white lady to nurse, when she come to Gibson.
Q How do you know she was hired? A She come right there to Mrs. Bowers.
Q What did she have to do with her, Charlotte? A Mrs. Bowers did not have anything to do, a white lady had her nursing for her and put up at Mrs. Bowers.
Q Then what did she do, how long did she stay there then? A Three or four days and left again.
Q What year was that? A I don't know; niggers can't remember all these things and years.
Q They seem to remember '66 quite well? A Sometimes they do and sometimes they don't.

Q Have you ever seen a colored person in the Cherokee Nation that didn't remember '66? A Yes, sir.

Mr. Blue: Objected to as not proper cross-examination, incompetent, immaterial and irrelevant.
Commission: Objection noted; Witness may answer.

A I have seen lots of them; I saw Uncle Ed Campbell and he didn't remember it.
Q After Charlotte left there with this woman she was hired to how long was it till you saw her again? A I never saw her again until 7, 8 or 9 years.
Q Was she married the next time you saw her? A No, sir.
Q Where was she living when you saw her that time? A She was in Fort Gibson.
Q Did she tell you where she had been living? A No, sir.
Q Then where did she go? A I don't know where from Gibson.
Q Then how long was it till you saw her again? A I couldn't say.
Q Was she married the next time you saw her? A I never asked her.
Q Where is she living now, do you know? A She is living here at Muskogee.
Q Did you know her while she was living with Tyson? A I knew her, but not Tyson.
Q How long did she live with Tyson? A I don't know.
Q How long did they keep house, if at all? A I don't know.
Q Don't you know that they lived in the Chickasaw nation about 10 years? A No, sir.
Q You don't mean to say that you knew this girl when she was a child and you met her several years after that time and didn't even ask her where she was living? A Yes, sir, I sometimes shake hands with them and don't ask them where they are living.
Q Didn't even find out anything about where she was living? A No, sir.
Q The also in Fort Gibson, Aunt Polly, knows this girl was there during the war? A I couldn't tell you.
Q There are a great many people living in Fort Gibson that were living there during the war? A Yes, sir.
Q Both colored and Indians? A Yes, sir, scattered around there.
Q Do you know how many cases you have testified as a witness in? A No, sir, I have never kept any record of them.
Q Have you any idea? A No, sir.
Q You think you have testified in more than 23? A I don't know; I might have and might not; I don't tell you anything only what I know; I tell only what I can recollect.
Q If you can't recollect what do you do?

Mr. Blue: Objected to as incompetent, immaterial and frivilous.
Com.:Objection noted; witness may answer.

A If I can't recollect, what else am I going to do? I know nothing.
Q You testified in the Adaline Hampton case on the 17th of June, 1904? A Yes, sir, I reckon it was then; I testified in her case.
Q That was about a month or so ago? A No, sir, I aint been here--it has been two years ago now.
Q She was an applicant for citizenship as a freedman, wasn't she? A Yes, sir, you have got it wrong; you are staging Wren, Adaline's sister; Adaline is a citizen, bred and born in Fort Gibson and living there now, hasn't got sense enough to get away.
Q Is she on the doubtful roll? A No, sir, it is Wren, her sister.

Q You testified in the Tyson Bennie case also, didn't you? A Yes, sir. Adaline's, too.

By Mr. Blue:
Q I understand you to say that when the cholera broke out there those people went away from there, Charlotte and her mother and young children? A Yes, sir.
Q After they had gone out of there, when did you next see Charlotte in the Cherokee Nation? A I don't remember.
Q About how long after that was it you saw her in the Cherokee Nation? A Never saw her any more until she came there to be Mrs. Bowers, nursing for a white lady.
Q Do you know whether or not when they were driven out of port Gibson by the cholera, her mother and Charlotte then went to Webbers Falls? A Yes, sir, said they were going there, and left.

Mr. Davenport: We object to what they said.
Commission: Objection noted.

Q Did you next see them after that at Webbers Falls? A A year or not so long I was going over there and saw them.
Q Do you know when Charlotte's mother died? A No, sir.

By Mr. Davenport:
Q Where were you coming from when you saw them at Webbers Falls?
A Vian. I had an aunt living down there.
Q When was that? A After the cholera, after these folks went to Webbers Falls.
Q There was a town at Vian then? A No, sir, a town of Injuns living around there in the woods then.
Q Were you coming from Vian? A Yes, sir, back here to Gibson.
Q Do you know when Vian was established as a town? A It wasn't a town then.
Q What was it? A Just Injuns living around there.
Q What Indians lived there? A Mr. Million's and two or three full bloods.
Q Who were they? A Roach Young's folks, Mill's folks, and I don't know the others much, Nelson Webber was living close to Mill's and I went there to stay.
Q And you were coming by the way of Webbers Falls from Vian, were you, where were you going? A I stopped at Mack's Lick, where they were making salt and went from there across the river to Webbers Falls to see Steve Smith and Anderson Vann.
Q When did Charlotte first apply to you to be a witness in the case?
A She called on me two or three times and asked me if I knowed her mother and I told her yes, but I was sick and couldn't come and she said she would like for me to come and help her if I could.

MARY CARSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mary Carson.
Q How old are you? A 44.
Q What is your postoffice address? A Muskogee.
Q You are a Cherokee freedman, are you? A Yes, sir.
Q Do you know the applicant in this case, Charlotte Potts? A Yes, sir.
Q About how old is she now? A I can't tell you anything about her age.
Q When did you first get acquainted with her? A When we were children together.
Q Where was she living when you first knew her? A Webbers Falls.

Q Before or after the Civil War? A After the war, in '66.
Q In 1866? A Yes, sir.
Q What time of the year 1866? A I can't tell you.
Q Was it hot weather or cold weather? A [illegible].
Q Of 1866? A Yes, sir.
Q Who was she living with at that time? A She was working out part of the time; we always worked together.
Q About what size girl was she? A About that high.
Q About four or five feet high or what? A About that high.
Q Grown? A Not to say grown, children not grown.
Q Did you know her mother? A Yes, sir, acquainted with her mother.
Q What was her name? A Can't think of it now.
Q Was her mother there in Webbers Falls at that time? A No, sir, when her mother died Charlotte petts was a child. That is the time when her mother died was when the smallpox was raging in Fort Gibson.
Q You mean the smallpox or cholera? A Both.
Q Is that the time Charlotte's mother died? A Yes, sir, took sick and went to Webbers Falls and died there, she used to live in Webbers Falls and come to Fort Gibson to work and went back to Webbers Falls.
Q You knew her in Webbers Falls at the time she died there? A Yes, sir me and my mother used to live there.
Q How long did Charlotte continue to live around Webbers Falls after her mother died? A When her mother died she lived in Fort Gibson a while with the children.
Q You mean her brothers and sisters? A Yes, sir.
Q What are their names? A I only knowed Charlotte.
Q Where did you next see Charlotte? A She has been there all the time until we separated; we went back to Fort Smith down to Webbers Falls and I left Charlotte in Gibson.
Q She was living there in Gibson? A Yes, sir.
Q About how long after the war was it? A I couldn't recollect about the war.
Q You don't remember the war? A No, sir, because I never kept account, because I can' t either read or write.
Q Were you old enough to remember the time of the war, were you large enough to remember that? A I remember when peace was declared when they said we were all Cherokees and it was time for us to come home, in '66.
Q About how long after peace was declared was it that you went to Webbers Falls and left this woman at Fort Gibson? A When I left Charlotte Petts in Gibson my mother says, we must go back down to Webbers Falls, and we left Charlotte Petts in Gibson and I never saw her any more until about a year and after that I went back to Fort Gibson and Charlotte Petts was there yet.
Q She was still living there? A Yes, sir.
Q Do you know where Charlotte has lived from that time up until now? A No, sir, all I know is when Charlotte petts lived in Gibson and Webbers Falls and we went back to Webbers Falls and left her here at Gibson and when I come back she was married and from that I can't tell you where she went to.
Q Since her marriage you don't know anything about where she has lived? A No, sir.

By Mr. Blue:
Q Where were you in war times? A Over in the Cherokee Nation, Gibson.
Q Did you go out of the Cherokee nation at any time during the war? A No, sir, I was a little girl, didn't know anything about any war.
Q Have you been out of the Cherokee Nation since the war to live? A Since after the war we have been living in the Cherokee Nation all the time and backwards and forwards, here and at Fort Gibson. That is far as I have been since I married.
Q When were you married? A I have been married twice, Mr.

Q When were you first married? A When I married my first husband, he got drowned; I didn't know anything about marrying them.
Q Was that in the days of slavery? A No, sir.
Q How long has that been, if you know? A Since I have been married, the first time we and my husband lived together 16 years and he got drowned and then I stayed single 16 years and then I married this state man I got, Bill Dickson.
Q That is your husband now? A Yes, sir.
Q During the war times did you see Charlotte frequently? A Yes, sir, I have been seeing her all the time.
Q Did she go out of the Cherokee nation to your knowledge any time during the war? A She went to Denison and worked a while.
Q During the war or since? A After the war.
Q How long after the war? A I couldn't tell you anything about that; she went off and I haven't seen her for six years till this time Turner commenced enrolling; before that she was up here and went back and when Turner was enrolling she came back and has been here since.
Q Was that the time of the making of the Keys roll? A Yes, sir.
Q You don't know where she was during that time? A No, sir, only what she told me she had been to Denison.

By Mr. Davenport:
Q Where were you born? A In the Cherokee Nation.
Q What place? A Geeweeeeee.
Q Near what postoffice? A I couldn't tell you anything about near what postoffice.
Q How old were you when the war broke out? A Nothing but a child.
Q About how old were you? A I don't know anything about how old I was.
Q How old were you when the war closed? A I don't know how old I was then, because we didn't have sense enough to know.
Q You have an idea about how old you were then, don't you? A No, sir, I can't tell you.
Q Were you grown? A No, sir, nothing but a child.
Q About how old are you now? A I am 44.
Q Were you big enough to remember the war? A No, sir, I am just going by what my people told me about the war.
Q Were you big enough to remember anybody that was in the war? A No, sir.
Q When the war closed were you big enough to remember it? A No, sir.
Q Can't you remember a single grown person met an applicant for citizenship that came to your mother's place just after the war? A No, sir.
Q Where were you living when you can first remember? A In Webbers Falls.
Q What year was that? A I couldn't tell you; I knew it was in the winter.
Q When you can remember where was the applicant and her mother? A When I got acquainted me and Charlotte was children together in '44. When I got acquainted with Charlotte Potts, she was a little girl and that was along after the war.
Q Where was the applicant living, and her mother, when you got acquainted with her? A Her mother was living in Webbers Falls and came from there to Gibson to work down there in '44.
Q When you remember, where were they living? A I remember we, me and her.
Q What were you doing? A Little children living about like the rest of them.
Q When was it then that you went to Webbers Falls? A I went there when my mother carried us there.
Q When did she carry you there? A I don't know the month.
Q Do you know the year? A No, sir.

Q Was it 1900? A I couldn't tell you.
Q Was it 1899? A I couldn't tell you.
Q From who is you she was girl Charlotte working at Webbers Falls?
A I didn't tell you anything about her working at Webbers Falls, I said her mother.
Q When did you see her mother working there? A I said she came from Webbers Falls to Gibson.
Q When was it you knew of Charlotte's mother living in Webbers Falls and coming back to Fort Gibson to work? A I told you I got acquainted with Charlotte's mother in '66.
Q I ain't asking you about that? A I am bound to put that into it, because I remember no other time but '66; that is the time I remember her mother, and I went there and stayed all night, and my mother would bring me back from Webbers Falls to Fort Gibson and stay with them a while and go back to Gibson.
Q What year was it that Charlotte's mother lived in Webbers Falls and go back to Fort Gibson to work? A I told you I can't tell, because I can't read or write.
Q What year was it that Charlotte's mother took sick and died at Webbers Falls? A I can't tell you that.
Q You can't remember dates very well, can you? A No, sir, because I can't read or write.
Q You have been living ever since the close of the war? A Yes, sir
Q Charlotte's been living ever since the close of the war? A Yes, sir.
Q What did you say about Charlotte's going down to Texas? A I didn't tell you anything about Texas.
Q Didn't you say something about her going to Denison? A I said Denison; I didn't say Texas.
Q Denison what? A I just said Denison.
Q What year was it that the applicant, Charlotte, went to Denison?
A I can't tell you anything about that.
Q Was she grown? A I guess she was grown woman; she followed her husband.
Q What was her husband's name? A Joe Potts, I guess.
Q Do you know what it was? A I says she went to Denison, Texas, with Joe Potts, I guess that is her husband; she is still with him.
Q She had no husband but one time? A I couldn't tell you anything about that.
Q When was it she had the other husband? A I couldn' t tell you.
Q Do you know the time she lived with a man by the name of Tyson?
A No, sir.
Q Do you know where she was living when she and Tyson lived together? A No, sir.
Q Was she living in Fort Gibson or the Cherokee nation when she and Tyson lived together as man and wife? A Couldn't tell you anything about that.
Q She was gone several years that you don't know where, wasn't she?
A I don't know where she went, for than days you couldn't keep up with no woman.
Q About how many years was she gone that you didn't know where she was? A When she left, I will explain it to you again and I am going to quit you cold. When she left from Gibson, and I never seen Charlotte Potts for six years, and when I met up with her she was Fort Smith and on her way here to Fort Gibson, and that little girl that was her baby, that is the only child she had.
Q Do you know whether or not she and her husband, Tyson, lived in the Chickasaw Nation about ten years? A No, sir, I couldn't tell you anything about she and Tyson.
Q When were she and Potts married? A That is too hard for me.
Q About how long ago? A I couldn't tell you how long they have been together.
Q Where are they living now? A Right down here below the oil mill.
Q In Muskogee? A Yes, sir.

Q How long have they been living in Muskogee? A She has been here ever since the [illegible] Turner has been [illegible].
Q She hasn't lived in the Cherokee Nation since the making of the Dawes Children roll? A Yes, sir, she has been living in the Cherokee Nation, off and on, backwards and forwards.
Q At what point did she have her home? A She didn't have no home, just staying in peoples' houses.
Q She had a husband when Turner was born? A Yes, sir, Joe Potts.
Q Wasn't he living in Muskogee at that time? A Yes, sir.
Q And has continued to live here ever since? A Yes, sir.
Q Where is your home? A In the Cherokee Nation, but I goes backwards and forwards and go back over here where I can make a living.
Q You live in Muskogee now? A Yes, sir, but my home is in the Cherokee Nation.
Q You keep house in Muskogee? A Yes, sir, rent a house.
Q Have you a house fitted up in the Cherokee nation where you live? A

Mr. Blue: Objected to as trying to try another case; it is immaterial, incompetent and irrelevant, being an question about the identity of this witness.
Commission: Objection noted; Witness may answer.

A I used to have some furniture, as I always have.
Q Where is that house in the Cherokee Nation that you have furniture in? A I lived in Lenapah one year and I lived in Claremore two years.
Q I am speaking about now. Where is the house you have in the Cherokee Nation? A I ain't got no house in the Cherokee Nation; haven't got anything but a piece of land if I got that.
Q You are on the 1880 roll? A I don't know, but I have got my paper.
Q Your name is Mary Gerson? A Yes, sir, and before I was married my name was Mary Vann.

Charlotte Potts, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Charlotte Potts.
Q How old are you? A I guess 52; don't really know.
Q What is your postoffice address? A Muskogee.
Q You have applied here to this Commission to be enrolled as a Cherokee freedman? A Yes, sir.
Q You have also applied for your child, Estella Burdine Potts? A Yes, sir.
Q What is the name of your mother? A Myra Scott.
Q What was the name of your father? A I don't know, he died when I was small.
Q Were you born before the Civil War? A Yes, sir.
Q Were you and your mother slaves of Cherokee citizens at the beginning of that war? A My mother was, I was small.
Q Who did you belong to? A Stanley Scott.
Q Where did you live when the war came up? A Down there near the lake over in Fort Gibson.
Q Did you continue to live there during the war? A Yes, sir, we stayed there until the war ended.
Q Then where did you go? A Mother stayed there a while and they ordered them all out when the shelers come there and she went to Webbers falls and worked there a while and died there.
Q Your mother died at Webbers Falls? A Yes, sir.
Q But you were at Fort Gibson all during the war, were you? A Yes, sir.

Q Where did you go after your father's death? A I stayed around there and worked around first one place and another until I got big enough to go to work and after I got large enough I went to Fort Smith and worked a while.
Q Fort Smith, Arkansas? A Yes, sir, and then back to the Tuttle Camp and worked a year or so.
Q How old were you when you were first married? A I guess I was about between 13 and 14.
Q Who did you marry then? A I married a man named Tyson, Chickasaw.
Q Chickasaw Freedman? A Yes, sir.
Q Where were you married to him? A In the Chickasaw Nation.
Q Were you living down there then? A Yes, sir.
Q How long had you been living there when you married Tyson? A I don't know how long before I married him.
Q About how long to the best of your knowledge? A Might have been a year, maybe longer.
Q You were working down there, were you? A Yes, sir.
Q How long did you continue to live down there after you married him? A I lived down there six years or longer probably.
Q At what place in the Chickasaw Nation did you live? A Stringtown a while and first one place and another.
Q Then where did you go? A I came back up here and went back down there again and went out to another little place, I can't think of the name of the place.
Q Where was your child, Estella, born? A Down here in the Chickasaw Nation.
Q How old is she now? A She will be 18 years old in August.
Q How old was she when you finally came back to the Cherokee Nation? A She was between 12 and 14 years old, I think.
Q Where have you been living since that time? A Here in the Territory.
Q In Muskogee? A Yes, sir.
Q All the time? A Sometimes in the Cherokee Nation and sometimes over here.
Q Do you own any property in the Cherokee Nation? A No, I don't own any particularly.
Q Have you any improvement on the Public Domain of the Cherokee Nation? A No, sir, mother had a little old house over there by the Lick she called here; I never did see it after I come from Webbers Falls.
Q Have you ever been enrolled on any of the tribal rolls in the Cherokee Nation? A No, sir, not as I know of.
Q Did you ever draw any money from the tribal authorities? A No, sir, I don't know whether mother did or not, I never did.
Q Neither for yourself nor this child? A No, sir.
Q Who is the father of Estella? A Joe Potts, I have two children by him.
Q What is the other child's name? A Martha.
Q Martha Potts? A She is married now; her name is Martha Cooper.
Q Is she older than Estella? A Yes, sir.
Q Where was she born? A Down there in that Nation, too.
Q Where were you married to Potts? A Down here this side of the river, down there about Sanders, I think is the name.
Q Was that in the Chickasaw Nation? A Yes, sir.
Q Is Potts living now? A Yes, sir.
Q How long did you and he continue to live in the Chickasaw Nation after you were married? A I don't know how long it was.
Q About how long? A I don't know; I couldn't tell exactly how long.
Q Was it a year or two years? A It was longer than that.
Q Five years? A I don't know.

Q Don't you give any land? A No, sir, not really. I didn't have any control of it. I don't read nor write and don't know anything.
Q Were you ever recognized in any manner whatever as a citizen of the Cherokee Nation by the tribal authorities? A No, sir, I never did get acquainted any of the high authorities to try to get on the roll or anything.

By Mr. Hunt:
Q Have you ever made any application to be enrolled? A No, sir, not until I came here.
Q Have you ever been enrolled on the roll of any other tribe than the Cherokees? A No, sir, not to my knowing.
Q Do you know whether or not your first husband was a recognized Chickasaw freedman? A Yes, sir, he was.
Q Have you or your children ever claimed any rights in the Chickasaw Nation? A No, sir, never did see after them rights in the Chickasaw Nation.
Q Is your present husband a freedman? A No, sir, he is a state man.
Q Charlotte, can you remember the war? A Yes, sir, I can remember some things time of the war.
Q Where were you when you can first remember about things that occurred in the war? A I was in Fort Gibson.
Q Do you know when that was, what date it was? A No, sir, I don't know what date it was.
Q Do you remember anything about the cholera breaking out at Fort Gibson? A I know something broke out and they had them all to move out; I don't know what it was.
Q But you remember that? A Yes, sir.
Q Did you leave at that time? A My mother did; I was small.
Q Where did you go then? A To Webbers Falls.
Q How long after you went to Webbers Falls at that time did you remain there? A I don't know exactly how long it was. My mother died there and I was small.
Q You remained there after she died? A Yes, sir, but how long it was I can't tell.
Q Why did you go over to Fort Smith? A To work.
Q Couldn't you get work where you were? A No, sir, I had to go out to make my living.
Q While you were at Fort Smith where was your home in fact? A I can't tell exactly where.
Q Did you have any home in Fort Smith? A No, sir.
Q Where was your home at that time? A Just staying around out and go from one place to another. When I didn't hire out I would stay with first one colored person and another.
Q Where did you claim your home at that time? A Didn't claim any.
Q Didn't you claim a home in the Cherokee nation?

Mr. Davenport: Objected to as incompetent and immaterial.
Commission: Don't load the witness.

A Yes, sir, I always did claim a home in the Cherokee Nation.
Q Did you come back from Fort Smith to the Cherokee Nation? A Yes, sir.
Q Were you married when you came back from Fort Smith? A [illegible]
Q Where did you remain after you returned from Fort Smith [illegible] time when you married? A I first came back to Webbers Falls and come through with the man I married and came back to the Cherokee Nation to Springtown.
Q Did you return from Fort Smith with the man you married? A No, sir, I didn't return with him; he was working on the railroad.
Q How long after you returned from Fort Smith to the Territory was it until you were married to your first husband? A I guess about a year.

Q Where were you living that year? A I was curting around there first one place and another.
Q Around where? A In Sibson a while.
Q Were you out of the Cherokee Nation? A I wasn't out of the Cherokee Nation; I worked in the Cherokee Nation and other places.
Q Where were you married to your first husband? A Down in the Chickasaw Nation.
Q About when was that, if you remember? A Down about Stringtown, I think, or down there at another little place down there; or Caddo, I don't remember where it was in the Chickasaw Nation, I know.
Q By whom were you married? A I don't remember the preacher's name.
Q Were you married by the preacher? A I was married by some Baptist Baptist preacher.
Q Did you have any children by the first husband? A Yes, sir.
Q How many? A Two.
Q What are their names? A Mary and Laura.
Q Are they married? A Yes, sir, Mary has been married; her husband is dead.
Q About how old are they now? A Mary is about 26, I guess, going on 27.
Q How long did you say you stayed out of the Cherokee Nation at that time? A I didn't stay outlong at time I would be in and out; sometimes would stay a year and sometimes not so long.
Q Is your first husband living? A No, sir, he is dead.
Q How long after his death did you marry your second husband? About three years.
Q You were married to him also in the Chickasaw Nation? A Yes, sir.
Q By whom were you married to your second husband? A The old man that married us was named, I can't think of his name.
Q Was he a minister? A Yes, sir, he is dead, though.
Q Did you get certificates of birth of your youngest child made out? A Yes, sir it is made out.
Q Was that the certificate that you handed me? A Yes, sir.

Mr. Blue: Those are the certificates I handed to the Court to see if they were in due form.
Commission: They are and will be filed in the case.

Q You say this present husband is a state man? A Yes, sir.
Q This application is for yourself and your youngest daughter? A Yes, sir.
Q During all your life what place have you considered as your home?

Mr. Davenport: Objected to as immaterial, incompetent and irrelevant.
Commission: Objection now; witness will answer.

A The Cherokee Nation is my home, is all the place I had to call my home.

By Mr. Davenport:
Q During the time you lived with your first husband, whose name was Tyson, and who you say was a Chickasaw freedman, and he and you lived in the Chickasaw Nation, where did you consider your home? A I considered the Cherokee Nation my home.
Q Didn't you and your husband keep house and furnish and maintain a home in the Chickasaw Nation? A Yes, sir, we had to stay in a house.
Q You were down there in the Chickasaw Nation when you and your first husband were married? A Yes, sir.

Q What year was it that you and your first husband were married?
A I aint able to tell.
Q How old were you when you married? A I guess between 18 and 20.
Q You were married, you say, at Stringtown? A Yes, sir, or at that other place one.
Q What other place? A Is there another town below Stringtown?
Q Yes. A All those that were made since the railroad came through there I don't know about them.
Q Where was Stringtown with reference to the M. K. & T. railroad or the place where you were? A It is below there.
Q How did you go down to Stringtown when you first went there? A In a wagon.
Q Where was the railroad at that time? A Hasn't any; they were carrying the railroad on through.
Q Where were they working on the railroad at that time? A They were carrying it through.
Q Didn't you go there to help work for the people that were cooking along the railroad? A No, sir.
Q You can't remember whether it was Stringtown or Gaddo? A No, sir.
Q Was there any such a town as Gaddo before the M. K. & T. railroad was built through there? A I don't know.
Q You know whether you were married before or after the ~~xxxxrailroad~~ railroad went there? A I know I was married when the railroad went through to Texas.
Q You don't mean to say you don't know where you were married? A Yes, sir, there are lots of things I can't remember since I have been grown.
Q You know that Gaddo and Stringtown are more than 60 miles apart, don't you? A I don't know.
Q You have been there? A Yes, sir.
Q You were living in the Chickasaw Nation when the M. K. & T. railroad went through to Texas? A Yes, sir.
Q Where did you get your mail? A Then, after the railroad was there, the depot was there and the mail was distributed around in the back; I couldn't tell the posteffice now.
Q Don't you know the posteffice, when you lived there? A No, sir.
Q You seem to remember Webbers Falls and Fort Gibson, why can't you remember the posteffice in the Chickasaw Nation? A I would remember it only when I went to get the mail.
Q How far did you live from Red river? A I don't know how far it was.
Q Were you ever at Red river? A Yes, sir.
Q You have been at Denison, Texas, a time or two, haven't you? A Yes, sir.
Q How come you to go there? A My husband was working on the railroad.
Q How long did you live there? A I guess about five or six months till they got through the railroad.
Q Where had you been living before you moved to Denison? A Been living at Stringtown.
Q You know Stringtown is in the Chickasaw Nation, didn't you? A I always thought it was in the Chickasaw Nation.
Q Did you live at Atoka a while? A No, sir, just passed through there.
Q You lived at Fort Smith, Arkansas, a while, didn't you? A Yes, sir, worked there.
Q Did you live there? A Yes, what time I was working there.
Q Where in the Cherokee Nation since your first marriage have you ever had a home and kept house? A I don't know.
Q Have you anywhere? A Yes, sir, I know I lived in the Cherokee Nation.

Q After you married Tyson, your first husband, where did you and he, you by yourself, or you and your husband, Betty, keep house and make a home in the Cherokee Nation? A We never did keep house in the Cherokee Nation.
Q Neither of your husband ever lived with you and kept house in the Cherokee Nation? A No, sir.
Q And you haven't since your first marriage, have you? A No, sir.
Q You say you belonged to Sterling Scott at the breaking out of the war? A Yes, sir.
Q Where did he live when the war broke out? A Down there in Gibson somewhere.
Q Were you ever out to his house? A Of course, I was when I lived there.
Q You don't mean to tell me that you were raised at Sterling Scott's place and have been there ever since the war and don't know where that place is to-day? A I said after the war mother left there and hired out in town and stayed around a while and then moved to Webbers Falls.
Q Was Sterling Scott living when the war closed? A Yes, sir, was then.
Q Was Sterling Scott's wife living at the close of the war? A Yes, sir.
Q What was her name? A Betsy Scott.
Q Who was she related to? A I don't know.
Q You don't know how far they lived from Fort Gibson? A No, sir, not exactly.
Q Since you have moved back here to Muskogee have you ever tried to find any of your former owners or families? A No, sir, only tried to find my own folks.
Q Did Sterling Scott and his wife have any children? A I think so.
Q Do you remember their names? A No, sir, when I left there I was small.
Q But you have been back and forth since? A Yes, sir, but not to their house.
Q They have lived there at Fort Gibson? A I didn't go to their house.
Q You didn't inquire about the family? A No, sir.
Q In fact you haven't been up in this country but very little since the war? A Yes, sir, I have.
Q You have been in the Chickasaw and Creek nations living for the last 20 years or more? A I was in and out, I never kept account how long it was.
Q You have a daughter 19 years old? A Yes, sir.
Q She was born in the Chickasaw Nation? A Yes, sir.
Q You were living there at that time? A Yes, sir.
Q And you told me a while ago you haven't lived in the Cherokee Nation since that time? A I said I hadn't kept house there since.
Q And you are living now in Muskogee, Indian Territory, keeping house? A Yes, sir.

By Mr. Blair:
Q How old did you say you were? A I guessed I am nearly 52.
Q You don't know your exact age? A No, sir.
Q You were born a slave? A Yes, sir.
Q Where was this place as nearly as you can remember, where your master lived at the time of the war? A I guess maybe about a mile from Gibson town, I aint sure.
Q You mean by that about a mile from Fort Gibson in the Cherokee Nation? A Yes, sir.
Q Do you know to whom you belonged, whether to the husband or wife of the Scotts? A No, sir, I think it was to her, though.
Q What did you say her name was? A Betsy.
Q Betsy Scott? A Yes, sir.
Q Was Sterling Scott her husband? A Yes, sir.

Q. In regard to your study of residence or claim of a home in the Cherokee country, have you ever claimed any land outside of the Cherokee Nation?

Mr. Thompson: Objected to as incompetent, immaterial and not cross-examination of any matter brought out by the Cherokee Nation.

Commissioner: Objection noted; witness will answer.

A. No, sir.

Commissioner: This case is continued by agreement of the parties concerned until October May 28, 1904.

September 12, 1904: No appearance.

I, H. Tuttle, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above [illegible] the above and foregoing is a true and correct [illegible] stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this [illegible] day of September, 1904.

[illegible] Notary Public.

Cherokee Freedmen Roll.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 16, 1904.

Supplemental Proceedings had in the matter of the application for the enrollment of Charlotte Potts as a Cherokee Freedman.

It appears that on October 11, 1904, the applicant, her attorneys and the attorneys for the Cherokee Nation were duly notified by letter that this case would be taken up for final hearing by the Commission at its offices in Muskogee, Indian Territory, on November 16, 1904; that an opportunity would be given each of them to appear before the Commission on that date and introduce such testimony as they might desire.

APPEARANCES: Applicant appears in person and by attorneys, Sims & Fulger.
Cherokee Nation by its attorney, W. W. Hastings.

George West Vann, being first duly sworn, testified as follows:

BY MR. FULGER:
Q What is your name? A George West Vann.
Q Where do you reside? A Geoweepooowee district, Cherokee Nation.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q How old are you? A Going on 54.
Q Are you acquainted with Charlotte Potts, the applicant in this case?
A I don't know Charlotte Potts, but I knew her mother.
Q What was her mother's name? A Myra Scott.
Q When did you first get acquainted with Myra Scott? A I first got acquainted with her in Fort Gibson, in 1866.
Q Do you know whether or not Myra Scott was the slave of a Cherokee citizen at the commencement of the Rebellion? A No more than hear say, just like everybody else. I would hear that she belonged to such and such a person, that is as far as I can go.
Q You saw her in Fort Gibson in 1866? A Yes sir.
Q What time in the year in 1866 was it? A Close to Christmas; before Christmas.
Q Have you been acquainted with Charlotte Potts for any considerable length of time? A No sir, I haven't been acquainted with her long.
Q Do you know her to be the daughter of this Scott woman?
A Myra Scott had a little girl, but I could not swear this is the one.
Q Do you know where Charlotte Potts lives now? A I don't know no more than I see her here in town. She says she lives here.
Q You don't know then whether or not this Scott woman was the slave of a Cherokee citizen or not? A She was said to be, I didn't inquire. When I used to belong to Vann she says she belonged to old man Scott.

BY MR. HASTINGS:
Q You never knew her before the war? A No sir. I just got acquainted with her at Gibson.
Q That was 39 years ago? A Yes sir.
Q She was a stranger to you at that time? A Yes sir, they said it was Myra Scott.
Q About how old were you at that time? A I don't know, I was about

12, or 13, or 14 years old, more or less.
Q This woman was a stranger to you at that time? A Yes sir.
Q You don't know whether this girl or Betts was a daughter of that woman, or whether you saw her at all at that time? A She had a child with her, I don't know whether this is the one or not. Some testing told me that was old man Scott's slave.
Q Did you ever see this girl afterwards until a few days ago?
A I saw her last year, is the first time I saw her to know her.
Q You never saw her until the year 1866, from that time? A No sir, not to know her.
Q You don't know where she has lived in that time. A No sir.
Q You don't know where her mother lived in that time? A No sir.
Q You never saw her mother after that time? A No sir.
Q You mean to say you never saw the applicant's alleged Mother after you saw her at Fort Gibson that time? A No sir, not after the small pox broke out there.
Q What you intend to tell the Commission is, that you saw a woman that was said to be Myra Scott, and she had a girl with her and you saw her one time in Fort Gibson? A Yes sir.
Q And that was all? A Yes sir, that was all.
Q And you never saw the girl any more for 37 years? A Never, the girl that claimed to be her child, until last summer.
Q Now after 37 years, or 38 years, you remember of your Uncle having pointed out a stranger to you in the town of Fort Gibson, when there were a good many other people in the town? A Yes sir.
Q You were 12 or 13 years old, or less? A I must have been 12 or more.
Q For 38 years you remembered a stranger that was pointed out to you in the town? A I can, yes sir.
Q You do do it? A Yes sir.
Q There were a good many other people in Fort Gibson at that time?
A Yes sir, a heap of them that I know now too.
Q And you tell the Commission that you never know this woman before?
A Yes sir.
Q You never saw her until last year, after that? A Her mother is the one I saw; this one is the little girl.
Q You never saw this woman until last year after that? A I didn't know her then.
Q Do you know that she is the same one? A No sir.
Q You don't swear that? A No sir, because I don't know.
Q Your Uncle Irving lived in town at that time? A Yes sir, he was a very noted man, and lots of people came there.
Q A great many of them? A Yes sir.
Q And you asked him about everybody that came there? A I asked him about lots of them.
Q And among the great many people, you have retained in your memory for 38 years the fact about asking him about one Myra Scott, and remember the name? A Yes sir.
Q You swear that? A Yes sir.

BY THE COMMISSION:
Q You were the captain of the Horse Creek fight crowd? A Yes sir.
Q What did you say the mother of this applicant, her name was?
A Myra Scott.
Q When did you say it was you saw her in Fort Gibson? A Before Christmas of 1866.
Q And she has a child with her? A Yes sir, but I could not swear this is the one.
Q What was the child, a boy or girl? A A girl.
Q And you never saw her any more? A Not to know this was the child until last summer.
Q And she told you she was? A Yes sir.
Q You don't know where Myra Scott went after you saw her? A No sir.

Charlotte Potts——d.

Q. Do you know where she lived last? A. My sure Duke she says she lives in town.

BY MR McLAUGHLIN:

Q. Where Scott lives in town? A. No, this Charlotte Potts, her daughter.

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E. M. Vance, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above is a true and complete copy of his stenographic notes thereof.

E. M. Vance

Subscribed and sworn to before me this 16 day of January, 1908.

Charles A. Sturgis

Notary Public.

FILED
DEC 1 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen R 246

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 22, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Charlotte Potts, et al., as Cherokee Freedmen.

It appears that on October 18, 1904, the applicant, her attorneys and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 16th day of November, 1904, and introduce such testimony as they might desire, touching the points mentioned in said letter, at which time said case would be taken up for final consideration.

On said date case was continued by consent, and on November 22, 1904, the following proceedings were had.

APPEARANCES:
Applicant appears in person and by attorneys
Blue & Bulger
Cherokee Nation by W. W. Hastings.

FANNIE MILLER being duly sworn, testified as follows:

EX J. J. Bulger:

Q What is your name? A Fannie Miller
Q Where do you reside A Wagoner.
Q Are you acquainted with Charlotte Potts, this woman who is an applicant for enrollment. A Yes,sir.
Q Were you acquainted with the mother of Charlotte Potts?
A Yes sir, I knowed her, and I knowed Charlotte when she was a little bit of a girl.
Q Was her mother the slave of a Cherokee citizen? A She was the slave of Betsy Scott, Starlin Scott's wife.
Q Was this Mrs. Scott a Cherokee citizen? A I think she was; I haven't been acquainted with her only since the war.
Q Did you know Charlotte Potts's mother before the war?
A No, in time of the war.
Q What was her mother's name? A Maria, and some called her Myra
Q Do you know to whom Maria or Myra Scott belonged.
A Well, she went by the name of Scott.
Q What year was it that you knew Myra first? A In time of the war; that was the time all the colored folks met together.
Q Where? A Right at Fort Gibson; there was about as many colored folks there as there was soldiers.
Q Did you know Charlotte Potts at that time? A Yes,sir, I got acquainted with her in time of the war.
Q Was she living with her mother? A This little girl? Her mother carried her around with her where she worked

Q When did you leave Fort Gibson? A I left there one about two years ago.
Q Did you leave Fort Gibson right after the war? A No, sir, I was there and I stayed there until about two years ago.
Q Did Maria Scott leave Fort Gibson? A She went down to Webber's Falls.
Q When? A I can't tell you when, but she was gone time of the small-pox.
Q Whereabouts the small-pox in Gibson? A I can't tell you when, but it broke out in August.
Q Was it during the war? A Yes, during the war.
Q Close to the end of the war? A Well, I couldn't tell you how close, but in the war.
Q Was it before the cholera? A Before the cholera? Of course, when the cholera came I was living in the country, out on the bayou.
Q Did you ever see Charlotte Potts after she went to Webber's Falls? A No, sir, I never seen her any more.
Q Until when? A What? she's dead, I never seen her any more.
Q But this girl, the applicant? A I seen her to-day, down here, and I thought I knew her, but I thought it was her mother.

BY MR. HASTINGS:

Q Now, what I understood you to swear was that you got acquainted with Myra during the war. A Yes, sir.
Q And at that time she had a girl by the name of Charlotte?
A Yes, sir.
Q And that was during the war, at Fort Gibson?
A No sir, she had a little girl. Her name was Maria.
Q Was that her girl's name? A I don't know what her name was.
Q You don't remember what her child's name was? A No-- not right now.
Q You never knew her mother before the war? A No, sir, I didn't
Q And you never knew her after the war? A Yes, sir, I did.
Q Did you state that she left there during the war? At the time of the small-pox.? A Well, I knew her in time of the war, in time of the small-pox, too.
Q Didn't you say that she left there during the small-pox and that the small-pox was during the war? A Well, it was during the war.
Q Well, did Myra leave Fort Gibson during the war? A Well, she left there and I never seen her any more.
Q You never saw her after that? A No, I never.
Q And you never saw this girl after that? A No, I never, not until I seen her down here awhile ago.

BY COMMISSION:

Q What you want to testify to is that you knew Myra Scott during the war at Fort Gibson? A Yes sir.
Q That you got acquainted with her during the war, and that she left there before peace? A I don't know whether it was before peace or not.
Q Was it during the small-pox? A Yes, it was during the small-pox.
Q And that was during the war was it? A Yes, sir, it was.

Q Then the only time you knew Myra was during the war at Fort Gibson? A Yes,sir.
Q That's right is it? A Yes,sir, that's right.

Case Continued to nine o'clock A.M., Wednesday, November 23, 1904, at which time the following proceedings were had.

MARY A. WALKER being first duly sworn, testifies as follows:

BY W.W.MARTIN:

Q What is your name? A Mary A. Walker.
Q What is your age? A Fifty-five.
Q What is your present post-office address? A Tulsa.
Q What was your maiden name? A Scott.
Q What was your father's name? A Sterling Scott
Q Sometimes called Sterlin Scott? A Yes,sir, generally called Sterlin, but his name was Sterling.
Q What was your mother's name? A My mother's name was Jane, Jane Woodward was her maiden name.
Q Was your father living when the war came up? A Yes,sir.
Q Was your mother living? A No,sir, she died in '53.
Q Did you have brothers and sisters living when the war came up?
A Yes sir, I had five sisters and one brother.
Q Living when the war came up? A Yes,sir.
Q Do you know the applicant, Charlotte Potts? A No sir, never heard of her except from Mr. Bell.
Q Did your father, Sterling Scott, own a colored woman by the name of Myra when the war came up? A No,sir, never did own one by the name of Myra.
Q What slaves did he own when the war came up, did he own slaves?
A Yes,sir, he owned four.
Q Name them? A A woman named Sarah, a girl about my age named Malinda, one named Julia and a b oy named Alock.
Q What became of them when the war came up? A They went to Kansas.
Q Wheer did your family go? A We went south, we lived here until the last year of the war, and then went south and stayed a year and came back home to Fort Gibson.
Q When did you return to Fort Gibson? A About January, '66.
Q Did you live in the town of Fort Gibson? A No,sir, lived three and a half miles north of Gibson.
Q That was your trading point? A Yes,sir, that was our trading point.
Q How long did you continue to live in the vicinity of Fort Gibson after your return in '66? A I lived there three years, but my father still lived there. I lived there till I married and then I lived out at what is now called Braggs; Fort Gibson was still our trading point.
Q After you moved to Braggs? A Yes sir, there was no Braggs there then.
Q Did this colored woman that belonged to your father, by the name of Sarah, ever return to the Cherokee Nation?
A Not that I ever knew of. I don't think she did; I think she still lives in Kansas

Q She never returned to Fort Gibson so far as you know,
A No sir, she never did
Q You say your father never owned a colored woman by the name of Myra? A No, sir, never did.
Q Was your father the only Charlie Scott you know of?
A The only one I ever knew of. There was no other one in this country, I know.
Q If three or four colored people swear that he owned Myra who was the mother of this applicant when the war came up, they are mistaken? A Yes, sir, They are mistaken.

BY MR. WALKER:

Q Mrs. Walker, how old are you now, please? A I am 55.
Q That would make you how old when the war came up? A About 18, I have a stepmother living, and a sister older.
Q Were you familiar with your father's business? A Yes, sir.
Q You knew about the property he owned in the Cherokee Nation?
A Yes, sir. Of course I don't know about how many head of cattle he owned, and that, but I know the negroes he owned as well as if it was yesterday. . I know he never owned Myra because Papa never owned but one other negro woman, and her name was Lis and she died before the war came up. That was all the women he ever owned. He owned other men at different times.
Q You say, Mrs. Walker, that you are not acquainted with Charlotte? A No, I don't know anything about her.
Q Never saw her until to-day? A Never saw her at all that I know of.
Q You can not say that her mother was not the slave of a man by the name of Scott? A No, I don't think she was, If she was I never knew any one by that name and Papa never owned a negro woman named Myra.

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Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the proceedings and testimony had in this case, and that the above and foregoing is a full, true and correct of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 8" day of December, 1904

Charles H. Sawyer
Notary Public.

Cherokee Freedmen D-264.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charlotte Potts et al., as Cherokee Freedmen.

-: D E C I S I O N :-

The record in this case shows that on June 13, 1902 Charlotte Potts appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Estella Burdine Potts, as Cherokee Freedmen. Further proceedings were had in the matter of this application at Muskogee, Indian Territory on July 29, November 14, November 22, and November 23, 1904. An affidavit showing the birth of the said Estella Burdine Potts is made a part of the record in this case.

It appears from the evidence in this case that the principal applicant, Charlotte Potts, was about 60 years of age at the time of her application for enrollment; that it is the contention of the principal applicant that her mother, Myra Scott, and herself were, at the beginning of the war of the Rebellion, the slaves of Sterling and Betsey Scott, recognized citizens of the Cherokee Nation; that she did not leave the Cherokee Nation during said war, and that her home has always been therein. It is not contended that the said Charlotte Potts was a free colored person residing in the Cherokee Nation at the beginning of the war of the Rebellion, and there is no evidence to that effect.

The evidence herein shows that Myra Scott and her minor daughter, Charlotte, were colored persons living around Fort Gibson, Cherokee Nation, Indian Territory sometime during the war of the Rebellion; that Myra Scott died in that community about the time of the surrender; that Charlotte Potts continued to live in the Cherokee Nation, at intervals, until she was about 18 years of age, when she went to the Chickasaw Nation where she was subsequently married, and where her minor child, Estella Burdine Potts, was born. She has not resided in the Cherokee Nation since her said removal therefrom [illegible] to the date of this application. [illegible] Potts has any right to enrollment [illegible] said mother. Neither Charlotte [illegible] be identified upon any of the tribal rolls of the Cherokee Nation.

In the consideration of the Commission, and the Commission is of the opinion that, although ample opportunity has been given, the evidence introduced does not show that the principal applicant was the slave of a Chickasaw citizen on the beginning of the war of the rebellion.

It is, therefore, the opinion of this Commission that following the ruling of the Department in the case of Eliza Bryant et al. (L. T. D. 341-1904), application for the enrollment of Charlotte Doty and Estella Dorsey Doty should be denied in accordance with the provisions of Section 21 of Act of Congress approved June 28, 1902 (32 Stat. L., 500), and amendatory acts,

Commission to the Five Civilized Tribes.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
APR 22 1905

C7R336

[illegible]

[illegible]

Affidavit

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the application for Enrollment as a citizen of the Cherokee Nation of Estella Burdine Potts born on the 7th day of Aug 1905

Name of Father Joseph Potts a citizen of the United States

Name of Mother Charlotte Potts a citizen of the Cherokee Nation

Post Office Westville I.T.

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Illinois District.

I, Charlotte Potts on oath state that I am 52 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Joseph Potts, who is a citizen, by of the United States Nation, that a Female child was born to me on the 7th day of August, 1905, that said child has been named Estella Burdine Potts, and is now living.

Charlotte Her x mark Potts

WITNESSES TO MARK:

(Must be Two Witnesses) Mary Carson.
J. T. Green

Subscribed and sworn to before me this the 18th day of July 1906

My Commission expires Oct. 21, 1905

M. D. L. Dowell
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Polly Ross, a midwife, on oath state that I know Mrs. Charlotte Potts, wife of Joseph Potts on the 7th day of August, 1905; that there was born to her on said date a Female child; that said child is now living and is said to have been named (MALE OR FEMALE)

Estella Burdine Potts

Polly Her x mark Ross

WITNESSES TO MARK:

(Must be Two Witnesses) Mary Carson.
J. T. Green

Subscribed and sworn to before me this the 18th day of July 1906

My Commission expires Oct. 21, 1905

M. D. L. Dowell
NOTARY PUBLIC.

Filed
[illegible]
Com.
4/05/06

[illegible]
4/05/06

Copy of motion filed

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

COMMONLY LAWS DIVISION.

MOTION TO REOPEN ENROLLMENT CASE OF

CHARLOTTE POTTS ET AL., N 224.

Now comes Charlotte Potts and prays that the proceedings in the matter of her application to be enrolled as a Cherokee Freedman be reopened for the taking of additional testimony as to the right of said Charlotte Potts to be enrolled as a Freedman of the Cherokee Nation.

The undersigned petitioner states that George Vann, now a resident of the Cherokee Nation and a person other than George Test Vann, whose testimony was taken in this case, knew the applicant's mother Myra Scott before the Civil War, knew that she and her daughter, the applicant, to be the slaves of Starling Scott, a Cherokee Citizen.

Your petitioner states that if said case is reopened she believes that she can establish beyond doubt her right to be enrolled as a Cherokee Freedman, and therefore respectfully asks that said case be reopened.

Witness to mark

Laura Hill

Her
Charlotte X Potts
mark
by Charlotte Potts

Subscribed and sworn to before me this 27th day of June, 1906.

Signed

Chas. E. Webster

(SEAL)

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion to reopen the application for the enrollment of Charlotte Potts, et al., as freedmen citizens of the Cherokee Nation, F. R. 836.

Reply of the Cherokee Nation.

The record in this case shows that the applicant was denied by the Commission on April 22, 1905, which was affirmed by the Secretary of the Interior on September 24, 1906. The record further shows that the original application was filed on June 23, 1902, that her postoffice is Muskogee, Indian Territory, being the place at which the headquarters of the Commission to the Five Civilized Tribes has always been located. The record shows that this case was set for hearing from time to time and the applicant notified to introduce testimony; that she did appear before the Commission on July 29, 1904, when the case was continued until September 12, 1904, upon which date there was no appearance and the case continued from time to time until she did appear on November 16, 1904, when after taking some testimony the case was again continued to November 22, 1904, and the applicants appeared in person and by counsel and they appeared by attorney each time testimony was taken in the case, and on November 22d, after taking some testimony the case was continued until November 23, 1904, for the convenience of the applicants upon which date further testimony was taken.

The above record is cited in connection with the following extract from the decision of the Commission to the Five Civilized Tribes dated April 22, 1905, denying the applicants:

"Although ample opportunity has been given the evidence introduced does not show that the principal applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion."

It will be noted throughout the testimony that they did not claim to be free colored persons residing in the Cherokee Nation, and for that reason they were rejected by the Commission.

We submit that the motion to reopen should not be allowed:

First. Because no diligence whatever has been shown on behalf of applicants.

Second. There is no accompanying affidavit attached to the motion setting forth what is expected to be proved by the alleged witness, George Tuom, so that the competency or materiality of his testimony might be passed upon. It has been repeatedly held by the Department that the affidavits of the newly discovered witnesses must be stated in full and attached to the motion for a new trial. This has not been done in this case.

Third. The case is not a meritorious one, because if it were within the course of five years it would have been exceedingly easy for the applicant to have secured testimony to prove who her owners were prior to the Civil War, and for these reasons we submit that the motion to reopen this case should be denied.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

D-9-26.

Copy

[illegible] to the Department,
[illegible] to the Five Civilized Tribes.

In the matter of the motion to reopen the application for the enrollment of Laura Wall, nee Tyson, Martha Cooper, nee Potts, and Mary Beatty, nee Tyson, as freedmen citizens of the Cherokee Nation.

Reply of Cherokee Nation.

Comes now the Cherokee Nation and respectfully represents that the motion filed herein on behalf of applicants should be denied for the reason that the records do not show that any application has ever been made for the enrollment of any of said parties.

Section one of the Act approved April 26, 1906 (Public No. 129) provides that no one shall be enrolled for whom application was not made prior to December 31, 1906.

The Department held on a motion filed to reopen on behalf of the attorneys for the Cherokee Nation in the Celia Kirkpatrick case (I.T.D 7744 and 7814-1904), on January 19, 1905:

"The Department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

No application having been made for their enrollment and no decision having been made in said cases it follows of course that there is nothing to reopen and therefore we contend that the motion should be denied.

Respectfully submitted,

J. G. '06.

W. W. Hastings
Attorney for the Cherokee Nation.

FR336.

Filed 20 Oct -
Plaintiff
4 of 4 -
20 Oct - 20
4 of 4 -

Copy of Motion filed

COMMISSION TO TRIBES CIVILIZED TRIBES.

CHEROKEE LAND OFFICE.

Motion to reopen the enrollment cases of Laura Hill (nee Tyson), Martha Caesar (nee Potts) and Mary Daughtry (nee Tyson).

[redacted] Martha Caesar and Mary Daughtry and pray that the proceedings on their applications for enrollment as Freedmen of the Cherokee Nation and held open pending the taking of testimony in the case of Charlotte Potts, their mot mother, from whom these petitioners base their right to enrollment.

Your petitioners state that the testimony of one George Vann, mentioned in the motion to reopen the case of Charlotte Potts, will establish beyond doubt the right of their mother and themselves to enrollment as Cherokee Freedmen, and therefore [redacted] that said cases be reopened.

Signed Laura Hill

Martha Caesar

Mary Daughtry

Subscribed and sworn to by Laura Hill before Me this 27th day of June, 1906.

Signed Chas. E. Webster

(SEAL) Notary Public.

Return out in
matter of preparation
of decision
2/2-05
JAB

Muskogee, I.T. [illegible] Indian Territory, [illegible] 19[illegible]

RECEIVED of the Commission to the Five Civilized

Tribes one copy of the testimony in Preliminary proceeding

in the Chickasaw Petition of Case — R 336

Blue & Blue

Attorney for Applicant.

Muskogee Indian Territory, U.S. 190 4

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in (Kerlette & al (No. 332)

Evidence dated Nov. 16 - 1904

J. F. Burns

Attorney for Applicant.

[illegible]

[illegible]

1. Name [illegible] Age [illegible]

Place of birth [illegible] Citizenship [illegible]

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

2. Name of wife [illegible] Age [illegible]

Country of birth [illegible] Citizenship [illegible]

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

Names of Children

3. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

4. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

5. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

6. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

7. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

8. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

9. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

10. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

11. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

12. [illegible] Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

Application made by [illegible] Stenographer [illegible]

Injunction Dissolved.

No bond.

Commissioners Executive

Muskogee

Muskogee, Indian Territory, July 7, 1904.

U. S. Pettit, Jr.,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Charlotte Jones for the enrollment of herself and their minor child Lucille Hardina, as Cherokee freedmen before the Commission, (Docket No. 29), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not she returned to the Cherokee Nation within the time allowed in the Treaty of 1866.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Cherokee Freedmen

B-[illegible]

Muskogee, Indian Territory, July 7, 1904.

Charlotte Potts,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor child, Estella Burdine, as Cherokee freedman, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion; and as to whether or not you returned to the Cherokee Nation after the war within the time allowed in the Treaty of 1866. You are also desired to furnish the Commission with an affidavit as to the birth of your minor child, Estella Burdine Potts.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 1 B. A.

1

[illegible]

Cherokee Freedmen
B-10

Muskogee, Indian Territory, September 29, 1904.

H. W. Zink,
Attorney for Charlotte Potts, et al.
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed copy of supplemental testimony recently taken in Muskogee, Indian Territory, in the matter of the application for the enrollment of Charlotte Potts, et al., as Cherokee Freedmen, together with a blank form of receipt, which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby.
Chairman.

Enc. B-10.

Register

Cherokee Freedmen,
Roll.

Muskogee, Indian Territory, October 14, 1904.

Charlotte Potts,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor child, Estella Burdine, as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, November 16, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your application.

Respectfully,

Tams T. D. Needles,
Chairman.

Register.

[illegible]
[illegible],

Muskogee, Indian Territory, December 1st 1904.

Elmo A Seiger, Attorney for
Charlotte Potts, et al,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory, on November 28, 1904, in the matter of the application for the enrollment of Charlotte Potts, et al., as Cherokee freedmen, together with a blank receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

[illegible]

Tams Bixby.
Chairman.

Encl. 00-SD.

Muskogee, Indian Territory, December 12, 1904.

Hon. Charles A. Davenport,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed copies of supplemental proceedings in the following Cherokee Freedman Applicants, taken on the date indicated.

November 10, 1904.

Edward Hawkins, Cherokee Freedman D-[illegible].

Jackie Ann Harkins, et al., Cherokee Freedman D-346.

November 17, 1904.

Martha Washington, Cherokee Freedman D-343.

November 18, 1904.

Mike A. Arnold, Cherokee Freedman D-74.

Rachael Brown, Cherokee Freedman D-[illegible].

John Lewis, Cherokee Freedman D-[illegible].

Polly [illegible], et al., Cherokee Freedman D-[illegible].

George Anna Mayfield, et al., Cherokee Freedman D-5.

November 19, 1904.

Daniel Roach, et al., Cherokee Freedman [illegible].

November 21, 1904.

Lewis Rogers, et al., Cherokee Freedman [illegible].

[illegible], et al., Cherokee Freedman [illegible].

[illegible], et al., Cherokee Freedman [illegible].

November 22, 1904.

Charlotte Potter, et al., Cherokee Freedman Roll.

November 22, 1904.

Elias Robinson, Cherokee Freedman Roll.

Henry Fairchild, et ux., Cherokee Freedman Roll.

November 17, 1904.

Charley Bedford, et ux., Cherokee Freedman Roll.

Respectfully,

Tams Bixby
Chairman.

Engl. 08-19.

Cherokee Freedmen
D-224.

Muskogee, Indian Territory, January 19, 1905.

Elmer S. Fidler,
Attorney for Charlotte Potts et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on November 16, 1904, in the matter of the application for the enrollment of Charlotte Potts et al., as Cherokee Freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Tams Bixby
Chairman.

Encl. 1-3.

Cherokee Freedmen

[illegible],

Muskogee, Indian Territory, April 23, 1906.

Charlotte Potts,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 23, 1906, rejecting the application for the enrollment of yourself and your minor child, Estella Dunding Potts, as Cherokee freedmen. There has heretofore been furnished your attorneys, Rice & Dulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. 5-13
Register

Cherokee Freedmen

R 340,

Muskogee, Indian Territory, April 22, 1908.

Charlotte Potts,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor child, Estella Burdine Potts, as Cherokee freedmen, together with a copy of the Commission's decision dated April 22, 1908, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. 8-19.
Register

Cherokee Freedmen

S-48

Muskogee, Indian Territory, April 22, 1908.

Blue & Bolger,

Attorneys for Charlotte Potts, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1908, rejecting the application for the enrollment of Charlotte and Estella Hurding Potts as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

(SEAL)

Chairman.

Incl. S-48
Register

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen.

R 344.

Muskogee, Indian Territory, April 22, 1905.

Dell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of Charlotte Potts, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-20

Chairman.

Cherokee Freedmen
E Ind.

Muskogee, Indian Territory, April 22, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Charlotte Potts, et al., as Cherokee freedmen, including the Commission's decision dated April 22, 1908, rejecting said application.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. 3-21.

Through the

Commissioner of Indian Affairs.

C O P Y.

Refer in reply
to the following:
Lands 337 ai-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, May 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 22, 1906, transmitting the record of the application for enrollment as Cherokee Freedmen of Charlotte Potts for herself and her minor child, Botella Burdine Potts.

April 22, 1905, the Commission decided adversely to the applicants.

The record shows that the applicant was about fifty years of age at the date of application on June 23, 1902; that she contends that her mother, Myra Scott, and herself were slaves of Cherokee citizens at the beginning of the war of the rebellion; that she did not leave the Cherokee Nation during the war; that her home has always been therein and that she was not a free colored person residing in said Nation. The record further shows that Myra Scott and her daughter, Charlotte, were colored persons living around Fort Gibson sometime during the war of the rebellion; that Myra Scott died there about the close of the war; that Charlotte Potts continued to live in the Cherokee Nation until she was about eighteen years of age

where she went to the Chickasaw Nation, was married there, and there the minor applicant was born. She has not made a home in the Cherokee Nation since her removal therefrom some thirty years prior to her application.

It does not appear that the minor applicant has any rights to enrollment except those derived through the mother. Neither applicant is identified on any tribal roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner

MMM
W

C O P Y.

I.T.D.8848-1906
L.R.Bo.43648-1906.

J.P. 112

L.R.S. DEPARTMENT OF THE INTERIOR,

Washington, September 26, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 23, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Charlotte Potts and her minor child, Estella Burdine Potts, as Cherokee Freedmen.

Reporting May 6, 1906, the Indian Office recommended that the Commission's decision adverse to the applicant be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen

R-336.

Muskogee, Indian Territory, October 1, 1908.

Charlotte Potts,

Care of Brook & Brook,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1908, rejecting your application for the enrollment of yourself and minor child, Estella Burdine Potts, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 26, 1908.

Respectfully,

Commissioner.

LS

Cherokee Freedmen

S-114.

Muskogee, Indian Territory, October 6, 1906.

Pike & Pulger,

Attorneys for Charlotte Potts, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of Charlotte Potts, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 26, 1905.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

Tams Bixby.

Commissioner.

Incl. S-39

Cherokee Freedmen

S-40.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 5, 1908.

Hon. Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1908, rejecting the application for the enrollment of Charlotte Potts, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 26, 1908.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-40

Cherokee Freedmen
B 206 et al.

Muskogee, Indian Territory, August 30, 1906

Brooks and Brooks,

Attorneys for Charlotte Potts, et al.,

Muskogee, Indian Territory.

Gentlemen:

This office is in receipt, on June 26, 1906 of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Charlotte Potts, et al.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 18,1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a motion filed June 28, 1906, by Charlotte Potts, for a rehearing of her Cherokee freedman case. The reply of the attorney for the Cherokee Nation to this motion filed July 5, 1906, is also enclosed.

The decision of the Commission to the Five Civilized Tribes dated April 22, 1905, rejecting the application of Charlotte Potts and her child Matella Burdine Potts for enrollment as Cherokee freedmen, was affirmed by the Department September 26, 1905 (I.T.D. 45449-1905).

There is no merit to the motion, as it is not alleged that the evidence the applicants now desire to introduce is newly discovered, or that with due diligence it could not have been secured when the case was heard before the Commission.

The motion is unsupported by affidavits, and it

Secretary-6

is only stated that the applicants can prove by one George Vann that Nyra Scott, mother of Charlotte Potts, was a slave of a Cherokee citizen and that "petitioner states that if said case is reopened she believes that she can establish beyond a doubt her right to be enrolled as a Cherokee freedman, and therefore respectfully asks that said case be reopened."

In accordance with the rulings of the Department of January 19, 1906 (I.T.D. 7744-7514-1904), in the Cherokee freedman case of Celia Kirkpatrick et al., and of March 24, 1906(I.T.D. 2758-1905, 6206-1905), in the Cherokee freedman case of Ann Johnson et al., it is respectfully recommended that the motion be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner

Encl. B-6

L M B

DEPARTMENT OF THE INTERIOR,

LAND.
77216-1906,
18606-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 26, 1906 (I.T.D. 5266-1906), affirming the decision of the Commission to the Five Civilized Tribes in rejecting the application for the enrollment of Charlotte Potts and her minor child, Estella Burdine Potts, as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 12, 1907, enclosing a motion filed by Charlotte Potts, asking for a re-hearing of her case, together with the reply of the attorney for the Cherokee Nation, filed July 5, 1906.

The motion does not allege that the evidence the applicants now desire to introduce is newly discovered, or that with due diligence it could not have been secured when the case was first before the Commission. It is not supported by affidavits of any witnesses, and only sets out that the applicants can prove by George Vann that Myra Scott, the mother of Charlotte Potts, was a slave of a Cherokee citizen, and she states that if the case is re-opened she believes she can establish beyond a doubt her right to be enrolled as a freedman.

The motion does not conform to the requirements of a

motion for a rehearing, is totally without merit, and the Office therefore concurs in the recommendation of the Commissioner that it be denied.

Very respectfully,

E. M. Larrabee,

Acting Commissioner.

XXX-XX.

DEPARTMENT OF THE INTERIOR, O.S.
O.K.

WASHINGTON.

D. C. 18318-1907.
I. T. D. 8248-1906.
8456-1907.

LRS. March 1, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 18, 1907, you transmitted a motion for rehearing in the Cherokee Freedman case of Charlotte Potts, et al., and her minor child Estella Burdine Potts, wherein the Department, on September 26, 1906 (I.T.D. 8248), denied said application. You recommend that said motion for rehearing be denied, and the Indian Office, on February 26, 1907 (Land 15806), concurred in your recommendation. Copy of Indian Office letter is enclosed.

In view of the limited time allowed by the Act of April 26, 1906, for completing the rolls of the Five Civilized Tribes in the Indian Territory, the Department would not be warranted in granting a rehearing in this case. Said motion for rehearing is, therefore, denied, and you will advise applicants and attorneys for moving parties of this action.

The record in the case, together with a copy hereof, have been returned for the files of the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

A. F. Mc.
3-1-07.
1 inc. and 4 inc. for
Ind.Off.

Cherokee F
B 136.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

[redacted], Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing of the Cherokee freedman enrollment case of Charlotte Potts, et al., was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. L. Rogers
Acting Commissioner

Encl. C-2
LMC

[illegible]
[illegible]

Muskogee, Indian Territory, April 8, 190[illegible].

Charlotte Potts,
c/o Mrs. M. A. Briggs,
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the motion for a rehearing of the Cherokee freedman enrollment case of yourself, and child, Matella Burdine Potts, was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodger,
Acting Commissioner.

Encl. C-1
LMC

Cherokee 8.
A 326.

Muskogee, Indian Territory, April 8, 1907.

Brook & Brook,

Attorneys for Charlotte Potts,

Muskogee, Indian Territory.

Dear Sirs:

You are hereby advised that the motion for a rehearing of the Cherokee freedman enrollment case of Charlotte Potts, et al., was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl. C-33
LMG

Char Fr. R. 337

Trans. from Char. Fr. Memo 30

Char Fr. R. 337

Y NA 30
CFA - 337

FILED
MAY 3 1962

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 24, 1908.

In the matter of the application of ELLEN SHEPPARD, for the enrollment of herself as a Cherokee Freedman by intermarriage:

ELLEN SHEPPARD, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name ? A Ellen Sheppard.
Q How old are you ? A I am thirty two.
Q What is your post office address ? A Fort Gibson.
Q In what district of the Cherokee Nation are you living ?
A East of Fort Gibson.
Q Is Illinois District or Tahlequah District ?
A I can't tell you; it's in Tahlequah I think.
Q Do you claim to be a Cherokee Freedman by intermarriage ?
A Yes sir.
Q What is the name of your husband through whom you claim right to enrollment ? A Coffee Sheppard.
Q Is he living ? A Yes sir.
Q Is he a Cherokee freedman ? A Yes sir.

--Applicant's husband, Coffee Sheppard, is identified upon the authenticated roll of 1880, Canadian District, # 1295, and on the census roll of 1896 at page 943, # 567, Illinois District.

Q When were you married to your husband ?
A Well I can't tell you the number of years, it is there on that paper when we were married.

The Commission: There is offered in evidence what purports to be a certificate of marriage signed by T. N. Ford, Minister of the Gospel, in which he certifies that he united Coffee Sheppard and Ellen Pack in matrimony about the 6th day of June, 1891.

Q Have you and your husband lived together continuously since your marriage ? A Yes sir.
Q Were you married before you married him ? A Yes sir.
Q What was the name of your first husband ? A Pack.
Q Was he living when you married Sheppard ? A No sir.
Q Was Sheppard married before he married you ? A Yes sir.
Q Was Sheppard's wife living when he married you ? A Yes sir.
Q Was he divorced from her ? A Yes sir.
Q How do you know ? A I have got the papers at home.
Q What was the name of your father ? A Stone.
Q What was his full name ? A I don't know. He died when I was a child, and I don't know.
Q Was he a State man ? A Yes sir.
Q What was your mother's name ? A Mary.
Q Is she living or dead ? A She's dead.
Q Was she a State woman ? A Yes sir.

--The applicant is not identified upon any of the tribal rolls of the Cherokee Nation now in the possession of the Commission.

Ellen Sheppard applies for the enrollment of herself as a Cherokee freedman by intermarriage. She is not identified upon any of the tribal rolls of the Cherokee Nation now in the possession of the Commission; and, under the provisions of the temporary injunction granted by Judge Gill of the United States Court for the Northern District of the Indian Territory, this Commission is without authority to receive, consider or make any record of her application for the enrollment of herself as a Cherokee Freedman by intermarriage, and she will be listed for rejection.

Department of the Interior.

Commission to the Five Civilized Tribes.

Dickson Thom,	Cherokee Freedmen D—[illegible]
Henry Thomas,	Cherokee Freedmen D—[illegible]
Ella [illegible],	Cherokee Freedmen D—[illegible]
Mary Matthews,	Cherokee Freedmen D—[illegible]
Frances Martin,	Cherokee Freedmen D—[illegible]
Nelie Dodson,	Cherokee Freedmen D—[illegible]
Mary Jane Vann,	Cherokee Freedmen D—[illegible]
Thomas Lewis,	Cherokee Freedmen D—[illegible]
Ella Maxwell,	Cherokee Freedmen D—[illegible]
Nellie Miller,	Cherokee Freedmen D—167
Reuben Campbell,	Cherokee Freedmen D—[illegible]
[illegible] Jackson [illegible],	Cherokee Freedmen D—[illegible]
Cassie [illegible],	Cherokee Freedmen D—[illegible]
Mary Martin,	Cherokee Freedmen D—[illegible]
Nellie Fields,	Cherokee Freedmen D—[illegible]
Lobo Kimbo,	Cherokee Freedmen D—[illegible]
William S. Marden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—[illegible],
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—[illegible],
Caroline [illegible],	Cherokee Freedmen D—[illegible],
Matthew Alberty,	Cherokee Freedmen D—[illegible],
Dave Morris,	Cherokee Freedmen D—[illegible],
Alexander Claggett,	Cherokee Freedmen D—[illegible],
Amanda Martin,	Cherokee Freedmen D—[illegible],
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—[illegible],
Samuel Brown,	Cherokee Freedmen D—345,
Howard E. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—353,

Dragger Beck, Sr.,	Cherokee Freedmen D—[illegible],
Beck Lindsey,	Cherokee Freedmen D—[illegible],
Bell Thompson,	Cherokee Freedmen D—[illegible],
Lewis Beck,	Cherokee Freedmen D—[illegible],
[illegible],	Cherokee Freedmen D—[illegible],
[illegible],	Cherokee Freedmen D—[illegible],
Lewis Vandenford,	Cherokee Freedmen D—[illegible],
John L. Berlin,	Cherokee Freedmen D—[illegible],
Katie Davis,	Cherokee Freedmen D—[illegible],
Charles Williams,	Cherokee Freedmen D—[illegible],
John J. Ross,	Cherokee Freedmen D—[illegible],
Lucy Martin,	Cherokee Freedmen D—[illegible],
Lucie Patterson,	Cherokee Freedmen D—[illegible],
Alex Johnson,	Cherokee Freedmen D—[illegible],
Martha Vann,	Cherokee Freedmen D—[illegible],
John Beck,	Cherokee Freedmen D—[illegible],
Nancy Ross,	Cherokee Freedmen D—[illegible],
Charles C. Smith,	Cherokee Freedmen D—[illegible],
Rosie Cullum,	Cherokee Freedmen D—[illegible],
William Skaggs,	Cherokee Freedmen D—[illegible],
Susie Johnson,	Cherokee Freedmen D—[illegible],
Alfred P. Hopkins,	Cherokee Freedmen D—[illegible],
Klasie Vann,	Cherokee Freedmen D—[illegible],
Freddie Lowery,	Cherokee Freedmen D—[illegible],
Lucy Christian,	Cherokee Freedmen D—[illegible],
Alice Dorsett,	Cherokee Freedmen D—[illegible],
Mahulay Wood,	Cherokee Freedmen D—[illegible],
Fred D. Thomas,	Cherokee Freedmen D—[illegible],
Bettie Beck,	Cherokee Freedmen D—[illegible],
Ella Warren,	Cherokee Freedmen D—[illegible],
Millie Robinson,	Cherokee Freedmen D—[illegible],
Mary Webber,	Cherokee Freedmen D—[illegible],
Frances Martin,	Cherokee Freedmen D—[illegible],
Mary Riley,	Cherokee Freedmen D—[illegible],
Emanuel Taylor,	Cherokee Freedmen D—[illegible],
Henry Sylan,	Cherokee Freedmen D—[illegible],
Lurlie F. Farrell,	Cherokee Freedmen D—[illegible],
Stepney Dunn,	Cherokee Freedmen D—[illegible],
Melinda Vann,	Cherokee Freedmen D—[illegible],
Frances Johnson,	Cherokee Freedmen D—[illegible],
Annie Foster,	Cherokee Freedmen D—[illegible],
Mary H. Rogers,	Cherokee Freedmen D—[illegible],
George Washington Lane,	Cherokee Freedmen D—[illegible],
Jane Brown,	Cherokee Freedmen D—[illegible],

[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
Mary Ross,	Cherokee Freedmen D—[illegible],
Maggie Ross,	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
[illegible]	Cherokee Freedmen D—[illegible],
John Chuggett,	Cherokee Freedmen D—[illegible],
Hettie Smith,	Cherokee Freedmen D—[illegible],
Jack Jackson,	Cherokee Freedmen D—[illegible],
Lula Sanders,	Cherokee Freedmen D—[illegible],
George Hastings,	Cherokee Freedmen D—[illegible],
Little Wesbyter,	Cherokee Freedmen D—[illegible],
Matie Spencer,	Cherokee Freedmen D—[illegible],
Mary Johnson,	Cherokee Freedmen D—1030,
Maggie Vann,	Cherokee Freedmen D—1080,
William Hudson,	Cherokee Freedmen D—1081,
Sarah Rogers,	Cherokee Freedmen D—1087,
Abraham Ballard,	Cherokee Freedmen D—1078,
Laura David,	Cherokee Freedmen D—1082,
John Dockman,	Cherokee Freedmen D—1085,
James R. Perry,	Cherokee Freedmen D—1103,
Isaac Welch,	Cherokee Freedmen R— 39,
Lawson Logan,	Cherokee Freedmen R— 45,
George Hamsh,	Cherokee Freedmen R— 48,
Henry Mazir,	Cherokee Freedmen R— 56,
George Adams,	Cherokee Freedmen R— 78,
Annie Thomas,	Cherokee Freedmen R— 82,
Lewis McConnell,	Cherokee Freedmen R— 83,
Callie Vann,	Cherokee Freedmen R— 86,
Lon Peters,	Cherokee Freedmen R— 94,
Ida Adair,	Cherokee Freedmen R— 96,
Robert Brown,	Cherokee Freedmen R— 99,
Allie Chambers,	Cherokee Freedmen R—100,
Iaom Jones,	Cherokee Freedmen R—103,
Alice Gunter,	Cherokee Freedmen R—104,
Katie Adair,	Cherokee Freedmen R—105,
Carrie Martin,	Cherokee Freedmen R—106,
	Cherokee Freedmen R—107,

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made by the following named persons: by William Davis for himself; by [illegible] Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for himself, Mary Markham; by Nathan Melton for his wife, Francine Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for himself, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella May Sandy; by James Elder for his wife, Sallie Elder; by [illegible] Campbell for himself; by Van Buckner Dilber for himself; by Tobe Midleton for his wife, Carrie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nancy Fields; by John Kimbo for himself; by William W. Maddox for himself; by Tobias Bean for himself, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvine Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Minnie Mabley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

[illegible] Lucius P. Powell for himself, by Stanley Upton for himself; by Elias Vann for his wife, Melinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Mandie Rogers, daughter-in-law, Mary Ann Rogers; by George Washington Elias for himself; by Miss Hannah Brown, daughter-in-law, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willie Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Morrell for his wife, Matilda Morrell; by Charles Claggett for himself; by Samuel Brown for himself; by David Rose for his wife, Mary Rose; by George Sullivan for his wife, Maggie Sullivan; by Harris Armstrong Ross for his wife, Jennie Ross; by Perry Rose for his wife, Ella Rose; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeana Archer; by Nancy Claggett for her husband, Silas Claggett; by Sonny Jones for his wife, Harriet Smith; by John Jackson for his wife; by John Sanders for his wife, Lulu Sanders; by Mary Hendricks for her husband, George Hendricks; by George West for his wife, Linnie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Linnie David; by John Dockins for himself; by Jackson [illegible] for himself; by Jesse Walsh for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Mesir for her husband, Henry Mesir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Alice Thomas; by [illegible] for himself; by Mack Vann for his wife, Cattie Vann; by Lewis Waters for himself; by Robert Adair for his wife, Ada Adair; by Jesse Rogers for her husband, Robert Rogers; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Jeoup Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Loosby for herself; by Mary George for her husband, John George; by Hattie McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lott for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David [illegible] for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that some of the applicants herein under may claim to constituent or citizen of the Cherokee Nation, which does not appear above.

It further appears from the record herein that at the time applicants were ready for the enrollment of the above named applicants herein, who claim upon the enrollment of other applicants of Cherokee Freedmen, but said applicants being duly sworn, testified and not contested in this decision.

It does not appear that any of the applicants herein did their full upon the tribal authorities of Cherokee Nation, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by their consent, due to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Leonard Wathome, (I. T. D. 1860-1864, 17,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frankie Melton, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Sallie Rider, Benjamin Campbell, Van Anderson Farther, Cassie Hutchins, Mary Harris, Nellie Fielder, John Kinder, William B. Mullins, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Elias Martin, John E. Brown, Bell Dean, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Dick Lattimer, Bell Thompson, Lewis Scott, Abe Scott, Reader Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Nellie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Emile Cobbins, William Skaggs, Emile Johnson, Alfred P. Hopkins, Lizzie Vann, Freddie Looney, Lucy Choate, Alice Durant, Mahlley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney Dodd, Mahalia Vann, Frankie Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Melinda Marrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeana Anther, John Claggett, Hattie Smith, Jack Jackson, Lola Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Bellard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Sneir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Ellie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Sophia Wesson Owens, Fannie Beckley, Sarah Dugdale, Anderson Tech, David Lewis, Nancy McCoy, Henderson Jones, Sallie Vann, Lott Brown, John Sampson, Hannah Thompson, Rose Sheppard and Lucie Mathes, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SEAL] TAMS BIXBY,
Chairman.

[SEAL] T. B. NEEDLES,
Commissioner.

[SEAL] C. R. BRICKENRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1906.

[illegible]
[illegible]
MISSED
JUN 24 1902

[illegible]

"Court convened. Present same as yesterday. The making roll of citizens mentioned said the court announced the following decision regarding persons enrolled men who have married colored women of the Cherokee race:

"The Court of Commission after mature reflection has authorized to decide against all persons having by whomever enrolled as black men and claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men' as they are considered a correct interpretation of said law with not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter, therefore decides The following named persons are not entitled to Cherokee citizenship as claimed, to wit:

"George Washington, Claremore District
Henry Johnson, Tahlequah "
Lee Cooper "
Henry Bird "
William Madden "
Alonzo Cullen "
Solomon Foster, Illinois "
William Hudson, "
"Haywood Youngblood, Sequoyah District"

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks

Executive Secretary of Cherokee Nation.

NOTE:—"Decision regarding colored citizens of the United States intermarrying with Cherokees" [illegible]

FILED
JUN 24 1902

[illegible]

CHEROKEE FREEDMEN

Date [illegible]
Post office [illegible]
Dawes [illegible]

1. Name [illegible] Age [illegible]
Dawes's name [illegible] Citizenship [illegible]
Year [illegible] Page [illegible] No. [illegible] District [illegible]
Parents
Father [illegible] Citizenship [illegible]
Mother [illegible] Citizenship [illegible]
2. Name of wife [illegible] Age [illegible]
Dawes's name [illegible] Citizenship [illegible]
Year [illegible] Page [illegible] No. [illegible] District [illegible]
Parents
Father [illegible] Citizenship [illegible]
Mother [illegible] Citizenship [illegible]

Names of Children

3. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
4. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
5. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
6. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
7. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
8. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
9. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
10. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
11. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]
12. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

Application made by [illegible] Stenographer [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Indian Territory.

[illegible]

[illegible] is herein [illegible] a copy of the decision of the Commission to the Five Civilized Tribes, dated January 12, [illegible], [illegible] [illegible]. There, the allotment of [illegible] [illegible] Cherokee citizen by intermarriage.

The decision, with the record of proceedings [illegible] in the case, has this day been transmitted to the Secretary of the Interior for his review and [illegible]. The action of the Secretary will be made known to [illegible] soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,
Chairman.

Incl. S-199.
Register.

Muskogee Freedmen
Bills et al.

Muskogee, Indian Territory, January 24, 1908.

Bell, Pastings & Davenport
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1908, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Murthur, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cussie Middleton, Mary Harkin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Jane Morris, Alexander Chaggett, Amanda Martin, Eliza Martin, John E. Berges, Will Davis, Samuel Brown, Howard W. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Hander Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lorney, Lucy

[illegible] Allen Durant, Stanley Ward, Fred D. Thomas, Bettie Bank, [illegible] Mary Webber, Frances Martin, Mary [illegible] Henry Bates, Lorain P. Powell, Shepard Barr, [illegible] Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel B. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Sleggett, Samuel Irven, Mary Rose, Maggie Ware, Emma Ware, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeanna Archer, John Sleggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hendrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Rutice, Sarah Rogers, Abraham Ballard, Laura David, John Dockman, James D. Perry, Isaac Wylie, Lawson Logan, George Powell, Henry Blair, George Adams, Annie Thomas, Lewis McDonnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Billy Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Golimby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Sarah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

-2-

Secretary will be made known to you as soon as the Committee is informed of the same.

Respectfully,

James Tyler,
Chairman.

Inl. Ltr.

Copy

Charles Thompson
Sold on ab.

Muskogee, Indian Territory, January 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ellis Vann, Mary Harkins, Frances Melton, John Johnson, Mary Jane Vann, Thomas Lewis, Ellis Mayfield, Sallie Rider, Perthen Campbell, Van Jackson Lether, Sassie Kilgore, Lucy Hartit, Sallie Fields, John Kimbe, William S. McKinn, Jane Dean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Harris, Alexander Claggett, Annie Martin, Ellen Martin, John F. Barnes, Bell Davis, Samuel Brown, Howard P. Vaughn, Jack McCormick, Maude Mackey, George Reed, Sr., [illegible], Bell Thompson, Lewis Scott, Abe Scott, Nander Langston, Thomas H. Sign, Lewis Vandarford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, [illegible] Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Dean, Treddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Miller, Samuel Taylor, Henry Ezell, Lucinda P. Powell, Stagney Jean, Matilda Vann, Frances Johnson, Annie Burton, Mary F. Rogers, Sevye, Twilight Lane, Jane Brown, Samuel L. Boggs, John Dunbar, Willie Cox, Leonard Bowlus, Matilda Morrell, Charles Claggett, Samuel Irven, Mary Rose, Maggie Rose, Susan Rose, Ellen Rose, Elizabeth Johnson, Sallie Adams, Georgeanna Archer, John Claggett, Hattie Smith, Jack Jackson, Luke Sanders, George Fearlrig, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Rutech, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nash, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Carter, Katie Blair, Carrie Martin, Benjamin Clark, Emily Lockey, John Groves, Matilda McNair, Bettie Vann, Nelson Lath, Fannie Rogers, William Washington, Squire Farrar Owens, Fannie Wellsby, Susan Daniels, Anderson Tuck, David Lane, Felix McClain, Rosabower Jones, Belle Vann, Levi Stroud, John Sumter, Sarah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Tams Bixby

Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: Land. 7666-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, MARCH 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Bateson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbe, William H. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Wanda Hanley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Ann Scott, Kender Langston, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis

Warren, Willie Robinson, Mary Webster, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lucinda P. Powell, Shepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Harrell, Charles Claggett, Samuel Irvan, Mary Rose, Maggie Rose, Emma Rose, Ella Rose, Elizabeth Johnson, Sadie Adams, Georgeann Archer, John Clagrett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deshazo, James B. Perry, Isaac Welch, Lemuel Logan, George Elwell, Henry Hagir, George Adams, Annie Thomas, Lewis McDonnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Nelle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority

of the Thursday Notice or by any United States tribunal and that cases is identified on the 1000 unmentioned Thursday roll.

In view of the record and of the ruling of the Department of December 13, 1906 (1. I. D. 2040-1906) in the Lamont Wilson case, the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

E. T. Lovedee

Acting Commissioner.

E.M.M.
W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WOV.
JGR.

I.T.D. 4904-1904.
JLG
S. C. 8007-1908.

April 27, 1908.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 13, 1908, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frankie Walton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Tarlin, Nellie Fields, John Kidd, William H. Madden, Jane Neal, Albert T. Thomas, Mary Campbell, Caroline Daniels, Delvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McDonnell, Mamie Manley, George Reed, Sr., Buck Lockman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Boulin, Katie Davis, Charles Williams, John J. Rose, Sam Martin, Lem Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Bessie Johnson, Alfred P. Hopkins, Elmore Vann, Freddie Looney, Lucy Cheuteen, Alice Durant, Nahaley Ward, Fred D. Thomas, Bettie Beck, Willis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Dowell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, James Brown, Samuel L. Young, John Buckner, William Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Rave, Deema Rave, Nila Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welsh, Lawson Logan, George Howell, Henry [illegible], George Adams, Annie Thomas, Lewis McConnell, Gallie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Ison Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Regarding in the matter thereof, yet, the Indian Office recommends that your decision be approved. A copy of its letter by reference.

The department concurs in your recommendation, and your decision is hereby affirmed.

Respectfully,

[illegible]

J. Lamoreux, Acting Secretary.

Commission Brochure

D-207.

Muskogee, Indian Territory, April 20, 1903.

Eliza Sheppard,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 29, 1903, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1903.

Respectfully,

Tams Bixby.
Chairman.

Cherokee Freedmen
Davis, et al

Muskogee, Indian Territory, April 20, 1908

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 18, 1908, rejecting the application for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

ENCLOSED. Tams Bixby
Chairman

Cherokee Freedmen
Ex-Li, et al.,
Muskogee, Indian Territory, April 30, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED. Tams Bixby
Chairman.

Chem Fr R. 338

Trans. from Chem Fr. Memo 31

Chem Fr. R. 338

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 24, 1908.

In the matter of the application of ALFRED BELL, for the enrollment of himself and his two children as Cherokee Freedmen:

ALFRED BELL, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name ? A Alfred Bell.
Q How old are you ? A I was born in 1866.
Q What is your post office address ? A Gafferville, Kansas.
Q What district in the Cherokee Nation are you living in ?
A Coweseeowee.
Q You make application for the enrollment of yourself as a Cherokee Freedman ? A Yes sir.
Q Do you apply for any one besides yourself--have you any children under twenty one years of age ? A Two.
Q What is the name of the eldest ? A Geneva.
Q How old is she ? A Eight years old.
Q The next child ? A A year and a half old.
Q What is it's name ? A Teddy Roosevelt.
Q Are these children both living ? A Yes sir.
Q Who was the mother of these children ? A Her name was Marinda Simon, before I married her.
Q Was she a recognized citizen, or a State woman ?
A A State woman from Arkansas.
Q Where were you born ? A On Grand River in the Cherokee Nation.
Q Did you leave the Cherokee Nation at the outbreak of the civil war between the United States and the Confederacy ?
A No sir, not here lately.
Q What do you mean by here lately ?
A Not since 1880.
Q You left before that ? A Yes sir.
Q Where did you go ? A To Kansas City. I worked in the Armour Packing house.
Q How long did you stay there ? A I went to school a year, and then worked at the packing house, and then went to Iola, Kansas. And I came back here and stayed here near the Kansas line with a white fellow.
Q Where were you living four years ago this month ?
A I was working in a fad ory at Iola, Kansas. I was living any where for I haven't no home.
Q You were in Kansas ? A Yes sir.
Q Have you ever been recognized as a citizen by the tribal autheri ties of the Cherokee Nation ? A I was enrolled once on the roll of 1867. My name was enrolled with my old boss.
Q Have you ever drawn any money ? A Not since 1875.
Q Never drew any in 1880 ? A No sir; I made application but I failed to get it.
Q Did you draw any Kern-Clifton money ? A No sir. I was sick then.
Q Did you draw any Wallace money ? A No sir, I made application but I didn't get no money.
Q Did you ever draw any for this child at Vinita ?
A No sir, I never drawed.
Q As a matter of fact, since 1880 you have been living outside of the Cherokee Nation ? A Partly out and partly in. Mostly out.

--The tribal rolls of the Cherokee Nation examined, and neither the name of the applicant nor of his children are identified thereon.

The records of the Cherokee Nation examined and fail to disclose that the applicant was ever admitted to citizenship in the Cherokee Nation by the tribal authorities.

Alfred Bell applies for the enrollment of himself and two children as Cherokee freedmen. None of the applicants are identified upon any of the tribal rolls of the Cherokee Nation, and it does not appear that they have ever been admitted to citizenship in the Nation by the tribal authorities.

This application comes within the provisions of the temporary injunction granted by Judge Hill of the United States Court for the Northern District of the Indian Territory, and under the provisions of said injunction this Commission is without authority to receive, consider or make any record of this application for enrollment as Cherokee freedmen, and this application will be rejected.

R. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 28, 1902.

Notary Public.

G. F. S. Cherokee F. R. 188.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alfred Bell, et al., as Cherokee freedmen.

D E C I S I O N

THE RECORD OF THIS OFFICE SHOWS: That at Muskogee, Indian Territory, June 24, 1902, Alfred Bell appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and minor children, Geneva and Teddy R. Bell, as Cherokee freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, November 17, 1904.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein claim the right to enrollment as Cherokee freedmen, but after ample opportunity having been afforded said applicants to establish by satisfactory evidence their right to enrollment, they have failed to do so; hence, their application for enrollment comes within the rulings of the Department in the cases of Eliza Bryant, et al. (ITD 544-04), Ed Williams (ITD 4250-04), William Rector (ITD 1468-04), Minnie Duncan, et al. (ITD 1470-04), Samantha Chambers (ITD 2296-04), Moses Rhea (ITD 6050-04), Jane Looney, et al. (ITD 6410,12688-04), Florence Bratcher (ITD 12692-04), and Frankie Grimmett (ITD 17908-05). No one of the applicants herein can be identified upon any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Alfred Bell, Geneva Bell and Teddy R. Bell are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

SIGNED *Tams Bixby.*

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 26 1907

Cherokee Freedmen R-[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 17, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Alfred Bell and his minor children as Cherokee Freedmen.

On October 12, 1904, the applicant was notified by registered letter, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Alfred Bell and his minor children as Cherokee Freedmen, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 17th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, , at which time the case would be taken up for final consideration.

Now on this 17th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-o-o-o-o-o-o-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 17th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 15 day of December, 1904.

Charles H. Armoyer
Notary Public.

[illegible]

[illegible]

[illegible]

FILED
JUN 24 1921
CLERK OF THE SUPREME COURT

CHEROKEE FREEDMEN.

Town

Post Office

District

1. Name

Age

Owner's name

Citizenship

Year Page No. District

Parents

Father

Citizenship

Mother

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents

Father

Citizenship

Mother

Citizenship

Names of children

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by

Stenographer

Judgment

Cherokee Freedmen
D-100

Muskogee, Indian Territory, July 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Alfred Neil for enrollment as a Cherokee freedman N-338, (old No. Memo 111), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the applicant was a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, and whether or not he returned to the Cherokee Nation after the war within the time allowed in the treaty of 1866, and as to his residence since 1880.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Department of the Interior
Commission to the Five Civilized Tribes

Cherokee Freedmen

D-214.

Muskogee, Indian Territory, July 9, 1904.

Alfred Ball,

Coffeyville, Kansas.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in your case it will be necessary that you introduce further testimony as to your residence since 1880, also as to whether or not you were a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion; and as to whether or not you returned to the Cherokee Nation after the war within the time allowed in the Treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register .

Cherokee Freedmen
B-138.

Muskogee, Indian Territory, August 8, 1904.

Alfred Bell,

Coffeyville, Kansas.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in your case it will be necessary that you introduce further testimony as to your residence since 1880, also as to whether or not you were a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not you returned to the Cherokee Nation after the war within the time allowed in the Treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, September 13, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Cherokee Freedmen,
D-266.

Muskogee, Indian Territory, October 14, 1904.

Alfred Bell,

Coffeyville, Kansas.

Dear Sir:

In the matter of your application for the enrollment of yourself and children as Cherokee Freedmen, you are advised that before the Commission can render a final decision in your case, it will be necessary that further testimony be introduced as to your residence since 1880; also as to whether you were a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion; and as to whether or not you returned to the Cherokee Nation after the war within the time specified in the treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, November 17, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

T. B. Needles
Commissioner, Chairman.

Register.

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Alfred Bell, et al., as Cherokee freedmen, together with the decision of the Commissioner dated February 28, 1907, denying the applications for the enrollment of Alfred, Geneva and Teddy R. Bell as Cherokee freedmen.

Respectfully,

Commissioner.

Encl.HJ-56.
HJC

Through the Commissioner of
Indian Affairs.

[illegible] COPY W.O.G. [illegible]

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D.
[illegible],[illegible],[illegible],
[illegible],[illegible],[illegible],
all 1907.
IAN [illegible]

March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has this day affirmed your decisions, adverse to the applicants, received with your letters of February 28, 1907, in the following named Cherokee citizenship cases:

Rosa Phillips, et al., (freedmen)
Marie Carey Rogers, (by blood)
Ellen Payne, et al., (freedmen)
Earl Nave, (freedman)
Henry Vann, (freedman)
Alfred Bell, et al. (freedmen).

Copies of your letters and all the papers in the above mentioned cases have been sent to the Indian Office for its files, together with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

12enclosures and copy
hereof to Indian Office.

MeW 3-5-07

Charles F.
S-336

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 16, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Alfred Bell, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. I-26
RFI

Cherokee 2
2-118

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Alfred Bell,

Coffeyville, Kansas.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of yourself and children as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was on that date transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. I-27
RPI

Register.

Cherokee 8
8 Ala.

Muskogee, Indian Territory, March 30, 1907.

Alfred Ball,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting your application for the enrollment of yourself, et al., as Cherokee freedmen was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-1.
HJC

Commissioner.

Cherokee F.
R 326.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 30, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Alfred Bell, et al., as Cherokee freedmen was affirmed by the Department, March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. MJ-2.
MJC

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

Unclaimed

REGISTERED

10831

Alfred Bell,
Coffeyville,
Kansas.

416 —

RETURN TO WRITER

SEP 1 - 1904

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

10082

Unclaimed.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

REGISTERED
JUL 9 1904
MUSKOGEE, IND. TER.

Alfred Bell,
Coffeyville, Kansas.

289

RETURN TO WRITER

1904

Department of the Interior

[redacted]

Alfred Post,

Coffeyville, Kansas.

Department of the Interior

[redacted]

Char. Fr. R. 389

Trans. from Char. Fr. Memo 33

Char. Fr. R. 389

[illegible]

[illegible]

[illegible]

Cherokee Nation #2.

Q Did you ever go by any other name other than Susie Lowrey?
A. No sir.
Q Any other given name, any other name? A. Sometimes they called me Sadie.
Q Ever call you anything else? A. Susie
Q Are these three names the only names you were ever known by?
A. All that I know of.
Q Who were you living with at the time you drew this money?
A. I was working for Mrs. Smith at Fort Gibson
Q About how old were you? A. I can't tell. You know old I was, sir.
Q Did you have any children? A. Yes, sir I had children.
Q Have you got any children older than Sarah? A. Yes, sir I didn't give you the oldest.
Q I didn't ask you. How old is your oldest child? A. Oh, my, if my oldest girl lived she would have been 30 years old.
Q How old is the oldest child you have? A. 22 years, A girl
Q Is she married? A. She is married. I didn't give you her name at all.
Q What is her name? A. She is named Maggie Whittlesy.
Q Where is she? A. She is in Texas. Her husband works there.
Q Where were you born? A. Park Hill, near Tahlequah.
Q Who did you belong to? A. I belonged to the man my mother did.
Q Who did she belong to? A. Milton.
Q What was Milton's given name? A. I don't know. Idon't remember. I was small.
Q Was that in the Cherokee nation? A. Yes, sir.
Q What was your father's name? A. Jess Lowrey
Q Is he living? A. He is dead.
Q What is your mother's name? A. Lydia
Q Is she dead? A. She is dead.
Q Did you live in the Cherokee nation at the outbreak of the war?
A. No, sir, I didn't.
Q Have you ever livid in the Cherokee nation? A. We left when I was small. Then I came back.
Q Where did you come from; from the states? A. Yes sir. I lived there until the break up of the war. I was betwixt 12 and 13 years old . I would have been 13 the 17th of February.
Q What time did you come back to the Cherokee nation? A. They say it was in 1866 but I was little.
Q Did you leave after that? A. I never have for a minutes time.
Q How does it happen you never applied to the Commission, then?
A I recollect in 1897, when they beat me out of my money---
Q Why have you never applied before? A. I have got a reason? When they were there at first I couldn't get down. I stuck a nail in my foot and was sick until the latter part of July.
Q Were you up there in the fall, last October? A. I was there last October. I could hardly walk at the time.
Q Your foot was still sore at that time? A. My doctor can tell you just how that was.

Examination by Mr. Hastings.

Q Where were you married? A. I was married 14 miles from Grand River. I can't tell you just how far from Fort Gibson.
Q In what district? A. Was it in Neoma district? A. It was out from Fort Gibson.
Q What district did you live in when you were married? A. I believe it was Noema.
Q Don't you know there never was such a district as that? Who married you? A. Uncle Isaac married me over on Grand River.
Q How long did you live there? A. We lived there a long time. Me and my husband went down to the Choctaw Nation.

Sudie Edmondson?

Examination by the commission.

Q How long did you live in the Choctaw nation? A. I lived there about half my time.

Q Where were these children born? A. Four born before Tiah and four born in the Choctaw nation. The first four were born in the Choctaw Nation. The others born in the Cherokee Nation.

Q How long have you actually been living in the Cherokee nation? A. The last three years I haven't been out.

Q Where were you living four years ago? A. Living in the Cherokee nation?

Q What part? A. Chegtaw nation.

Q You moved to the Choctaw nation after the birth of these four children? A. Yes sir, After that I moved at Chelsea, Cammegee? I mean. And I moved at Port Smith.

Q How long ago? A. About 2 years.

Q You stated a moment ago you have been living in the Cherokee nation continuously for the past three years?How can you move in Port Smith and be in the Cherokee nation? A. I am sure Pat Gilman is in the Cherokee nation.

Q How long did you move at Port Smith? A. I moved there during the payment.

Q That was the last payment? A. Before the payment.

Q You didn't draw that money?A. No,sir, I have got evidence I didn't draw any. I never drew a cent. I didn't draw any money only the $15 a head. I drew that.

Q For how many of your children? A. I have never drawed for any of my children.

Q How long ago was that? A. I don't know.

By Mr. Hastings:

Q 35 years? A. I don,t know.

Q 20? A. You can tell it in there.

By the Commission:

Q Was it before any of your children were born? A. No sir, some of the children were born.

By Mr. Hastings:

Q How many were born when you drew the money? A. I don't remember.

Q Haven't you any idea when you drew it? A. I knows I drawed money.

Q About how long ago? A. About 5 or 6 years ago. I guess may be 7.

Roll of 1880, Wallace roll, Kerwin-Clifton roll of Cherokee Freedmen and census roll of 1896 examined and neither the appli ant or any of her children are identified thereon.

Sudie Edmondson applies for the enrollment of herself and children as Cherokee Freedmen. Neither the applicant or any of her children are identified upon any of the tribal rolls of the Cherokee nation now in the possession of the commission.

The applicant does not make satisfactory proof of her residence in the Cherokee nation.

This application comes within the provisions of the temporary injunction recently granted by Judge Gill of the United States court for the northern district of Indian Territory and under the provisions of said injunction this commission is without authority to receive, consider or make any record of her applicantion of the enrollment of herself and children as Cherokee Freedmen and they will be listed for rejection.

Dwite Mon. Case # 6

Jesse D. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) JESSE D. CARR

Subscribed and sworn to before me this 10th day of July 1908.

(S E A L)

(Signed) F. S. MEYER
Notary Public

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above copy and the same is a full true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 10 day of Nov 1908

Myron White
Notary Public

Cherokee Freedmen R-189

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER 17, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Sudie Edmondson and her minor children as Cherokee Freedmen.

On October 14, 1904, the applicant was notified by registered mail and on October 28, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Sudie Edmondson and her minor children as Cherokee freedmen, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 17th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 17th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-:O:-o-o-o-o-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of November 1904, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 15 day of December, 1904

Charles H Garrison
Notary Public.

[illegible]

[illegible]

[illegible]

[illegible]

In the matter of the application for the enrollment of Susie Edmondson et al. as Cherokee freedmen.

COMMISSION.

Applicants represented by their attorney, E. M. Wisdom.

Cherokee Nation represented by James Davenport.

SAM McCURTAIN, being duly sworn, testified as follows:

EXAMINATION:

Q What is your name? A. Sam McCurtain.
Q Are you a Cherokee citizen? A. Cherokee Freedman
Q How old are you? A. I don't know-- something like 35 or 40 years old.
Q What is your postoffice address? A. Muskogee.
Q How long have you been in Muskogee? A. All my life
Q You never have been away from here? A. No, sir.
Q Do you know Susie Edmondson? A. I do.
Q Are you related to her in any way? A. None at all.
Q You were not born until sometime after the war? A. Along before the war. I remember the war.
Q Were you a slave? A No, sir, I was not a slave. Jack McCurtain was my father.
Q Is he an Indian? A. Yes sir, a Choctaw.
Q When did you first get acquainted with Susie Edmondson? A.
A In the year of '65, I can't tell you the month.
Q Where were you living at that time? A. At Fort Gibson.
Q You must have been pretty small? A I was a good sized boy.
Q How about her? A. She was a nice sized girl.
Q Was she grown? A. She might have been, for we never kept no ages.
Q Do you know wheth r she was a slave? A. Yes, sir.
Q To whom did she belong? A. Mr. Lowery at Goose Neck Bend
Q Was he a Cherokee Indian? A Yes sir
Q Did you see her at the beginning of the war? A. Not till after the war.
Q How did you happen to meet her in Fort Gibson? A. We were all up there at the time we were drawing flour in barrells, and she was there.
Q Who was she with? A. I don't know. There were lots of them there
Q Did you know her father and mother? A. No sir.

Q You do not know whether her mother was a slave or not? A. She went by the name of Lizzie Lowery ; know.
Q Where has Susie been living since Dead? A. She lived here [illegible] and I didn't know where she was [illegible]. She came here on visit to my sister, at Muskogee.
Q How long ago? A. I couldn't tell you how many years.
Q Six or 12 or 20? A. No not that much, but you can't tell from her when she did this work, for one time she says one thing and one time another.
Q Is she married? A. I don't know
Q Has she any children? A. I don't know.

COL. WISDOM:

Q Don't you know that she has several children? A. I do not
Q You say you first knew her in the Cherokee Nation? A. Yes sir
Q When was that? A. In '65, in the fall when we drawed the flour
Q Didn't you know her before the war? A. The war had not been exactly completed when I knew her.
Q Didn't you know her before the war and during the war? A. No sir.
Q You know that her name was Lowery? A. Yes,sir
Q Do you know what Lowery she belonged to? A. Judge Jesse Lowery of Goose Neck Bend.
Q Is he dead? A. Yes,sir
Q You stated that you are 35 or 40 years old. Are you not older than that? A. I suppose I am, but I never kept no account of it.
Q You remember the war? A. As well as I can remember walking down the street.

MR. DAVENPORT:

Q You never saw this woman from '65 until a few years ago? A. No sir, I left her there in '66 when the cholera broke out
Q I think you said you saw her there in '65? A. She was there on '65 when we drawed the flour.
Q Do you think if she had been in this country all the time you would have failed to see her-- you never saw her until she came to your sister's a few years ago? A. No sir.
Q You were back and forth from here to Fort Gibson from the war up to the present time? A. No sir.

WITNESS EXCUSED .

JERRY MARTIN bein duly sworn, testified as follows:

COL. WISDOM:

Q What is your name? A. Jerry Martin.
Q Where do you live? A. In Canadian District.
Q How old are you? A. 59
Q You remember the war? A. Yes,sir, I was in it.
Q Do you know Susie Edmondson, the applicant in this case? A. Susie Lowery.
Q What was her name before she married? A. Lowery.
Q Who did she belong to? A. I suppose she belonged to Lowery
Q What Lowery? A. Jim Lowery.

Q Sometimes we call Judge Lowery? A. Yes sir.--Sir, that is not the name.
Q When did you see her in the Territory? A. I saw her in time of the cholera at Fort Gibson, then I saw her there in '66, and I haven't saw her till I moved off down to the south part of the nation, where I am living, and I saw her in '95 or '96.
Q You have seen her in '65 and '66 and '96 in the territory? A. Yes sir.
Q Was Mr. Lowery a Cherokee Indian? A Yes sir.
Q Do you know whether or not this woman belonged to him before the war? A. She went by the name of Susie Lowery
Q Do you know whether she belonged to Lowery or not before the war or at the beginning of the war? A. In time of the war, while it was going on, in '63, a lot of us met in a kind of a company, holding a sort of inquiry meeting as to what would be done because the owners were running them south so fast, and Susie Lowery came to me, and I got acquainted with her then.
Q Did everybody recognize her as Susie Lowery and as belonging to Judge Lowery? A That is the way I understand it.
Q Do you know what her name is now? A. I call her Susie Lowery.
Q Do you know whether she has any children? A. I know she has one, for I saw it in '96.
Q You do not know anything more of her family? A. No sir

COMMISSION:

Q Do you know whether she went out of the territory during the war? A. She went out during '65 or '66-- the time of the cholera.
Q Where did she go to? A. I couldn't tell you.
Q When did you see her after then? A. In '96 or '95, I do not know which.
Q So, for 30 years you saw nothing of her? A. No sir.
Q Where was she living during that time, you know nothing of it? A . No sir.
Q Since '95 or '96 where has she been living? A. At Gibson, and Vinita.
Q Any where else? A. Not that I know of.
Q Don't you know whe has been living in Muskogee for several years? A I saw her there about three months ago.

MR. DAVENPORT:

Q Was it the cholera or small pox year? A. Both.
Q What year did the cholera break out? A. 'In '66
Q When did the small pox break out? A. '66 .

WITNESS EXCUSED.

SUSIE EDMONDSON, being duly sworn, testified as follows.

COMMISSION:

Q What is your name? A.Susie Edmondson
Q Are you married? A. Been married for the last 31 years, and my husband is dead.
Q Have you any children? A. 11 children, six living and five dead
Q What are the names of the ones that are living? A. Mayy, Lucy, Tiner, Eugene, Tommie , Lucile.
Q Have you one named Sarah? A She is dead.

C.P.S. [illegible]

Q When did she die? A. About two years ago. She died directly after the Indians was taken to Kansas.
Q Is Lucie living now? A. No sir, she died just after Sarah died.
Q Is Thomas living? A. Yes sir.
Q Is Andrew living? A. Yes sir
Q Is Tommie living? A. Yes sir
Q And Lucile is living? A. Yes, sir.
Q Have you any witnesses to show who was your master? A. There are some here, but I could not know just where to get them. But my master got up in the Council and stated that I belonged to him, before he died.

MR. WILSON:

Q Did you ever go out of the Territory during the war?
A. No sir, I went down on Red River near the line, but I never went out of the Territory.
Q You never crossed the line over into the state ? A. no sir
Q Did you belong to Jim Lowery before the war? A. Yes sir
Q Was he a Cherokee Indian ? A. Yes, sir
Q You are made to say in your original testimony that your master's name was Melton? A. That was a mistake for I never belonged to anybody but Lowery.
Q You state now, positively , that you did belong to Jim Lowery and that he was a Cherokee? A. Yes, sir.

MR. DAVENPORT:

Q Who did you go south with? A. My master and them took us
Q You were old enough to remember? A. I can just remember the war.
Q How do you know to whom you belonged? A I had my mother to tell me.
Q Who was your owner that you went south with? A. Lowery.
Q Do you say that your owner was Jim Lowery? A. Yes sir
Q Did you go with him or with the family ? A. With the family
Q Do you remember any of the people that went on the trip?
A. Not particularly
Q Did you ever see Henry Lowery? A. Of course, I know him.
Q Was he along? A. I don't know
Q When you returned to the Cherokee Nation was Jim Lowery living.
A I don't remember just when I came back
Q Was Henry Lowery living when you come back? A. Yes sir, he has been dead only about three years
Q Who got up in the Council and said that you belonged to him?
A Master Henry said so, that's who.

WITNESS EXCUSED.

This case will be held open till March 20, 1905.

[illegible]

[illegible] being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the [illegible] day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on this date.

(Signed) [illegible]

Subscribed and sworn to before me this the 23rd day of March, 1905.

(Signed) [illegible]
Notary Public.

[S E A L]

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above copy and that the same is a full, true and complete copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this the 13th day of November, 1905.

[illegible]
Notary public

FILED
MAR 28 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen R-889.

[illegible] OF THE [illegible],
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 20, 1905.

In the matter of the application for the enrollment of Susie Edmonson, et al., as Cherokee Freedmen.

On this, March 20, 1905, this case coming on to be heard, pursuant to notice, the applicants appearing through their attorney D. W. Wisdom, and the Cherokee Nation represented by its attorneys, Bell, Hastings & Davenport; by consent and agreement the case was continued until March 30, 1905.

Josie Davies, having been first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported all proceedings had in the above entitled cause on the 20th day of March, 1905, and that the above and foregoing is a full, true and complete transcript of her stenographic notes thereof.

Josie Davies

Subscribed and sworn to before me this March 28, 1905.

Myron White,
Notary Public.

FILED
APR - 6 1903
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen No. 121.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 30, 1905.

In the matter of the application for the enrollment of Susie Ramsdrez as a Cherokee Freedman.

Cherokee Nation represented by Mr. Davenport.

CONTINUED.

Applicant not represented by attorney.

Now, on this, the 30th. day of March, this cause coming on to be heard, applicant appears in person and states that she has been unable to get her witnesses here on this date, and that she is also unable to have her attorney present for the purpose of statement, the Cherokee Nation offering no objection, the case is continued to April 13, 1905.

Eula Jennie Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 30th. day of March, 1905, and that the above and foregoing is a full and complete record of said proceedings had in said cause on said date.

Eula Jennie Branson

Subscribed and sworn to before me this the 8th. day of April, 1905.

Thos. H. Hunter

FILED
JUL 3 - 1905
COMMISSION TO FIVE TRIBES.

Please Return

Cherokee Freedman R-280.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 9, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SUSIE KIMBERSON ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, I. P. Bledsoe.
For Cherokee Nation, James S. Davenport.

ABE PRINCE, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Abe Prince.
Q What is your age? A 60 years old.
Q Where do you live? A Out at Red Bird.
Q What nation? A Creek Nation.
Q Are you a Creek citizen? A Yes sir.
Q Do you know Susie Kimerson? A Yes sir.
Q When did you first get acquainted with her? A Just after the war.
Q Do you recollect about what year that was? A I don't recollect what year that was in particular?
Q Where did you see her? A Fort Gibson.
Q What name did she go by then? A It was Susie Lowery, that is the name I knew her by.
Q Do you know who her master was? A His name was Sam Lowery.
Q Did you know Jim Lowery or Jess Lowery? A I knowed old man Jess Lowery, knowed him good.
Q Do you know who her father was? A Jess Lowery.
Q How do you know her father was Jess Lowery? A He told me that himself.
Q Where were they when he told you that? A That was way in the time of just after war.
Q Where didthis conversation happen? A It happened over in the Cherokee Nation.
Q Have you seen her off and on since that time? A All the time sometimes out this side and sometimes on the other side.
Q This side of what? A This side of the river.
Q You have seen her off and on ever since that time? A Yes sir I would be either there hauling coal from here on the other side of the river see her all the time.
Q You say that you saw her in the Cherokee Nation directly after the war? A Yes sir in the Cherokee Nation.
Q Was that the first year after the war, do you recollect what year it was after the war? A I couldn't tellyou exactly.
Q It was immediately after the war wasn't it? A Yes sir.
Q This same woman, did you see her there? A Yes sir.

BY MR. DAVENPORT:
Q You live at Red Bird, you say? A Yes sir.
Q Where is Red Bird? A That is on this side, between Ported and Sowata.

Q That is in the great nation up here? A Yes sir.
Q Where does Susie live now? A I don't know where she lives, she is all over the town here working around.
Q You don't know just where she added her time? A No sir, not exactly.
Q You didn't know Susie before the war? A No sir.
Q How large was she when you first knew her? A She was a girl.
Q A grown woman? A No sir just a young girl.
Q You don't know what year that was? A No sir, not exactly.
Q Do you know what year this is? A Yes sir, it is 1888.
Q Do you mean 1888? A Yes sir, 1888.
Q You never saw Susie or her father before the war, did you?
A No sir.
Q And you don't know of your own knowledge whether she was a slave or not before the war? A No sir, not her.
Q You had never seen her before the war? A No sir.
Q You don't know whether her father or mother either one were a slave before the war of your own knowledge? A No sir not of my own knowledge.
Q You never saw either of them before the war? A No sir .
Q Then you can't testify of your own knowledge that she belonged to Jim Lowery or not before the war, can you? A No sir, I don't know I can testify as to what they said.
Q You are just testifying here at random what was the rumors in the country? A Yes sir just what the old man said.

BY MR. WINDSOR:
Q Whatold man was it that told you that? A Jess Lowery.

BY THE COMMISSION:
Q Didyou know Jim Lowery? A No sir, I didn't know him myself.
Q Did you know where he lived? A I know where they say he lived, I was never right on the place.
Q You say you saw this woman at Fort Gibson soon after the war?
A Yes sir.
Q What as she doing? A She was there working about like the rest of the Indian people.
Q Was she working for anybody? A Not as I know then, I never saw her working for anybody.
Q How long did you know her at Fort Gibson at that time? A I knew her a long time. I had been hauling coal from this side of the river on the other side of and I knowed her until she come on this side.
Q How long was that? A I reckon about two or three years.
Q And during all that time she wasn't working for anybody at all? A
A No sir.
Q How did you happened to get acquainted with her? A I got acquainted with her father.
Q What was his name? A Jess Lowery.
Q What was he doing? A We was doing a little of everything.
Q Were you at his house? A No sir.
Q How did you get acquainted with this girl? A She was in town and me and the old man was talking and going on and I asked him who was that girl and he said it was his daughter Susie.
Q And you were never at his house? A No sir.
Q Do you know whether she was married at that time? A This woman.
Q Yes? A No sir not to my knowing.
Q She was a grown woman at that time? A She was a good size girl.
Q Are you any relation to this woman? A No sir not a bit, no relation at all.

[illegible], being first duly sworn, testified as follows:

BY MR. [illegible]:

Q What is your name? A [illegible].
Q How old are you? A I am going on 21 now.
Q Where do you live? A I make my home wherever I work. I am cooking down on Great Broadway.
Q In Muskogee? A Yes sir.
Q Do you know exactly when you were born [illegible]? A I was born on the Bayou near [illegible].
Q Who was your father? A Jim Lowery.
Q Do you know who the father of Jesse Lowery was? A Yes sir.
Q Who? A Jim Lowery.
Q Was he a Cherokee Indian? A Yes sir.
Q Was he the owner of Jesse Lowery? A He was the father of him.
Q And the owner of you? A Yes sir.
Q Do you recollect meeting this man Prince in Fort Gibson? A Yes sir.
Q Do you recollect when that was?
Mr. Davenport: I object to that as being incompetent and immaterial.

[redacted]

A It has been about 20 years since I have met him.
Q Did you meet him there during the war or afterwards? A Long since the war.
Q Have you seen him often since then? A Yes sir often and on. I have been cooking in Muskogee myself off and on 20 years.
Q Have you got any improvements in the Cherokee Nation? A No sir
Q You got no home in the Creek Nation? A No sir.
Q Do no home nowhere? A No sir. I have been cooking here and at Vinita, Fort Gibson and Tahlequah.

APPLICANT CLOSES.

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 1st day of July, 1905.

Myron A. White,

Notary Public.

Cherokee Freedman [illegible]

K 137

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 18, 1908.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for for the enrollment of SUSIE KEMBERMAN as a Cherokee freedman.

BY THE COMMISSION:

On this day the applicant appears in person and the Cherokee Nation by Attorney, J. S. Davenport. The Nation does not see proper to offer any testimony, the applicant has closed. This case will then be considered as closed and a decision will be rendered upon the record as now made up.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 3rd day of July, 1908.

Lillyou Waite

Notary Public.

DEPARTMENT OF [illegible]
COMMISSIONER TO TAKE FIVE CIVIL [illegible]

FILED

OCT 9 1905

[illegible] COMMISSIONER

No 337

[illegible]

Cherokee Freedmen 3--208.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SUDIE EDMONSON ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, I. P. Bledsoe, Agent.
For Cherokee Nation, W. W. Hastings and J. S. Davenport.

It appears from the records of this office that on September 16, 1906, the applicant, her agent, and the attorneys for the Cherokee Nation were notified by letter that this case would be taken up for further hearing on Thursday, September 26, 1906, at nine o'clock A. M., at which time the following proceedings were had.

SUDIE EDMONSON, being first duly sworn, testified as follows:

BY THE COMMISSIONER:
Q What isyour name? A Sudie Edmonson.
Q How old are you? A About 53.
Q What is your post office? A Muskogee new.
Q You are an applicant for enrollment as a Cherokee freedman, are you? A Yes sir.
Q You have children, Sarah, Lula, Tyman, Ella, Eugene, Tommie, and Lucile? A Yes sir.
Q Your father was named what? A Jesse Lowrey.
Q How long has he been dead? A I couldn't tell you, I haven't kept count.
Q Were you grown when he died? A No sir, I wasn't more than, I don't know how old I was.
Q What is the name of your mother? A Lydia.
Q Which died first, your fatheror mother? A My mother died first.
Q Do you know Erlson Lowrey? A Yes sir, my father's brother.
Q Has he a brother named Jess Lowrey? A Yessir.
Q Are they full brothers? A Yes sir.
Q What is the name of their father? A The same as my father.
Q What was the name of their mother? A There was,--I don't know her name, I disremember it.
Q When you were taken out of the Cherokee nation during the war, did you come back at the same time your father did or your mother, which? A It has been proved right here before the Commission that I came with my father in '65.
Q Did you come with your father or mother or both? A With my mother and neighbors.
Q Did she have some other children that came at the same time? A She had one older than me, that is all.
Q When did your father come back to the Cherokee with reference to the time you came with your mother? A When the Treaty was.
Q Did your father come before or after your mother? A I don't know when he came here, when I knew him he was here.

Q How old is Nelson? A He is dead, I don't know how old he is.
Q Is Jesse younger or older than you? A He is younger than I am.
Q Did you ever live with your father? A I used to be with him occasionally, go to see him on Sundays, but I never lived with him just on visits.
Q Did he and your mother live together after the war? A No sir.
Q Your father and mother never lived together after the war? A No sir.
Q And you came back to the Cherokee nation with your mother? A Yes sir.
Q And Nelson and Jesse came with their father, your father? A We were there when I met them.
Q They came back with your father? A I know they come when the Treaty was.
Q They came back with your father didn't they, they ~~said~~ stayed with your father and you stayed with your mother? A I was the only sister, and I don't know what they were doing, all the time I was down in the Choctaw nation, and of course I was with my husband, I never tried to keep up with everybody.
Q Nelson and Jesse never came back to the Cherokee Nation at the time you and your mother did? A When I saw my father he was killed. I don't know whether they did or not, I can't tell that.
Q Do you know whether Nelson and Jesse Lewrey, your half brothers, came back to the Cherokee Nation at the time you and your mother came? A They were here when I come.
Q Then they didn't come with you? A No sir, of course they didn't, they come, I don't know.
Q And your mother was named Lydia? A My mother named Lydia and my father named Jesse.

BY MR. HASTINGS:
Q Where did you go during the war, north or south? A We went down on Red River and come back with Mr. Gunter and Will Woodall.
Q John Gunter down here in Sequoyah District? A I haven't seen him but once or twice he had a half breed Cherokee.
Q Did he have a brother named George? A I wouldn't be sure.
Q Did he live down near Fort Smith? A Yes sir, I think it was.
Q That is the man you came back with? A Yes sir, Mr. Gunter. and Mr. Woodall.
Q To what point did you come? A Here awhile and then to Fort Gibson.
Q Did you come to Muskogee first? A Yes sir, about a day then we went over to Fort Gibson.
Q Mr. John Gunter brought you and Mr. Woodall? A Yes sir.
Q And you came to the town of Muskogee and stayed a day and then went over to Fort Gibson? A Yes sir.
Q Who did you see when you went over there? A A good many people over there.
Q Who did you live with when you first went there? A With Aunt Darkus Buffington.
Q That was after you had been through here and after you went to Fort Gibson? A Yessir.
Q How many stores were there here? A I don't know.
Q About how many? A I couldn't say.
Q As many as 500 people here? A I never kept up with that.
Q Whose house did you go to here? A There was some little, something here, there was no more than two or three houses here when I married.

Q. You said you stayed here, at whose house did you stay? A. We camped here, I didn't say we were in anybody's house, I said we were here, we were not in nobody's house.

Q. You were in a place? A. We made a camp and cooked our dinner and then went on, I didn't say nothing about the stoves. What I remember you can get from me, and that that I can't hardly remember you don't get it nor no other man, I only undertake to say what I know. I am going to heaven and the only way to get there is to tell the truth.

(Here the witness left the stand).

By agreement between the Agent for the applicants and the Attorneys for the Cherokee nation, this case will be continued until October 8, 1905.

George H. Lasley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lasley

Subscribed and sworn to before me this 7th day of October, 1905.

Edwin C. Grieves

Notary Public.

FILED

Cherokee Freedman D-[illegible].

[illegible]

[illegible]
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of [illegible] [illegible] ALY, as Cherokee Freedman.

APPEARANCES:
For Applicants, Principal applicant in person and her agent, I. P. Rhodes.
For Cherokee Nation, W. W. Hastings.

It appears from the records of this office that this case was continued by agreement between the Agent for the applicant and the Attorneys for the Cherokee Nation, from September 26, 1906, to October 6, 1906, at nine o'clock A. M., at which time the following proceedings were had.

ON BEHALF OF THE COMMISSIONER:
The Agent for the applicants and the Attorneys for the Cherokee Nation announce that they have no further evidence to introduce in this case, this case will be closed and a decision rendered upon the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 7th day of October, 1906.

Myron White.

Notary Public.

Cherokee Freedman R 898.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MS. GIBSON, I. T., FEBRUARY 12, 1906.

SUPPLEMENTAL PROCEEDINGS, had in the matter of the application for the enrollment of SARAH KNOCKBOUT ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, I. P. Kledsoe, Agent.
For Cherokee Nation, James M. Keys.

JESSE LOWERY, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Jesse Lowery.
Q How old are you? A Well, I don't know, I guess I am about 80.
Q What is your post office? A Fort Gibson.
Q Are you a Cherokee freedman? A Yes sir.
Q Does your name appear on the roll of 1880? A Yes sir.
Q Have you some brothers and sisters living? A No sir, I have no brother, I have got two sisters living.
Q What are your sisters' names who are living? A Mariah Chase and Sarah Carter.
Q Have they the same mother as you? A The same mother.
Q What was her name? A Lydia Lowery.
Q Is she dead? A Yes sir.
Q How long has she been dead? A Well sir, I don't know what year she died, the year we drawed $10.00 and some cents, I don't know what year it was, but then it was along about '75.
Q Was that the bread payment made just before the roll of 1880 was made? A I guess so.
Q Along about 1879? A I reckon so.
Q What was the name of your father? A Jesse Lowery.
Q He is dead? A Yes sir.
Q Who died first, he or your mother? A My mother died years before he did.
Q How much difference was there in their death,- of time? A My father died somewhere along in '80.
Q Did your mother have any other children besides you and Mariah and Sarah? A Yes sir, she had a whole lot more, but they are all dead.
Q Did she have any other girls? A No sir, no more than Mariah, Sarah and Jennetta.
Q Jennetta, she is dead? A Yes sir, she is dead.
Q Did she die before or after your mother? A It has been a few years ago she died, I don't know how long it has been.
Q Did your mother have any other daughters besides those three, Mariah, Sarah and Jennetta? A None as ever I knew.
Q Was your father ever married before he married your mother, Lydia?
A Yes sir, he was they say, I don't know anything about it, he said he was married to another woman by the same name, and I think he had one daughter as I know of by her, and she died down here at Fort Smith years ago.
Q Did you know her name? A Well I think her--the girls say she was named Lucy

Q How did he have any other children that you ever heard of?
A None that I ever heard of, he never did tell us about any.
Q Your father was married twice to two different women as you understand by the name of Lydia? A Yes sir.
Q And by the first one he had a daughter who died down by Fort Smith? A Yes sir.
Q And by his second one the only girls he ever had were Mariah, Sarah and Jeannette, is that right? A That is right.
Q Do you know a person by the name of Sudie Edmondson? A No sir.
Q A woman about 31 or 32 years old that has several children? A I don't know her, I never heard of her or her people.
Q Did your father ever have a daughter named Sudie? A No sir.
Q Did your mother? A No sir, none as I know anything about.

BY MR. EDMONSON:
Q Do you know Sudie Edmondson? A No sir, I don't.
Q She claims her name used to be Sudie Lowery and she claims also that her father was named Jesse Lowery and her mother's name was Lydia , now do you know of your own knowledge all the children that your father was the father of? Might he had a child on the outside that he didn,t know? A I never heard him speak anything about it.
Q You claim that your father was married to another Lydia? A Yes sir and he had a daughter by her but her name was Lucy.
Q Are you positive about that? A No sir, but my oldest sister can tell you.
Q Are you positive that he didn,t have but one child by that woman?
A That is the only one I knew.
Q He could have had another child and you not know that? A Well he could have, but I didn,t know it.
Q Now if Sudie Edmondson swears that Jesse Lowery and Lydia Lowery were her father and mother you couldn't swear positively that they were not? A I would not do it but I can swear that she wasn't in our family.

BY MR. KEYS:
Q You lived with your father and mother from childhood until the time of her death? A Yes sir.
Q And you never heard either one mention the fact that they had a daughter named Sudie? A No sir, never did.

ON BEHALF OF THE COMMISSIONER:
Q Where have you lived most all of your life? A Right here around Fort Gibson, out here about 4 miles.
Q Were you a slave of a Cherokee citizen yourself? A Yes sir, belonged to Mary Lowery.
Q What was her father's name? A Well her father was named Wave, I don,t know hiw given name but that was his surname.
Q Well did Mary Lowery marry after his death? A No sir.
Q Did your father beleng to her? A Yes sir.
Q How about your mother? A She belonged to her too.

BY MR. KEYS:
Q This Mary Lowery that you have reference to is the mother of Mrs. Galloway? A Yes sir, she is the one.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 15th day of February, 1906.

Myron White
Notary Public.

Cherokee Freedman # 329.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MARCH 29, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SUSIE HENDERSON, ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, I. P. Bledsoe.
For Cherokee Nation, W. W. Hastings and J. S. Davenport.

It appears that the hearing of this case was set for trial on March 8, 1906, and that on motion of the Commissioner the same was continued from that date until March 29, 1906, at which time the following proceedings were had.

MARIAH CHASE, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:
Q What is your name? A Mariah Chase.
Q What is your post office? A Fort Gibson.
Q How old are you? A About 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What was your name before you were married? A Mariah Lowery.
Q Where were you raised? A About 11 miles from Gibson.
Q What direction from Fort Gibson? A Between Gibson and Tahlequah.
Q In what neighborhood was it known? A Lowery and Henderson neighborhood.
Q What was your father's name? A Jesse Lowery.
Q What was your mother's name? A Lydia Lowery.
Q Were they slaves? A Yes sir.
Q To whom did they belong? A Anderson Lowery.
Q Did you have any brothers? A Yes sir.
Q What were their names? A Jesse, Cornelius and Nelse.
Q Did you have any sisters? A Yes sir.
Q What were their names? A Sarah and Jeanette.
Q Did you have any other sisters excepting the two you names? A These are the only two of my mother's.
Q Did your father have any? A One.
Q What was her name? A Mary.
Q She was a daughter by a former wife of your father's? A Yes sir, Mary Griffin they called her.
Q Is that gary living? A She died in Fort Smith the year of the surrender.
Q Do you know whether she had any children? A She had two.
Q Do you know their names? A John and Allen I think, they died in Fort Smith.
Q Do you know Susie Hendrson, the applicant in this case? A No sir.
Q Have you ever seen her? A I may have but I don't know her by that name.

Q After you were married here you continued to live in the neighborhood where you were living? A Yes sir.
Q How long ago has it been since your father and mother died? A It is since the surrender.
Q Did you live at home with them at the time of your marriage? A Yes sir.
Q Did you have a sister on your mother's side by the name of Susie?
A No sir.
Q Did you have one on your father's side, either sister or half sister?
A Never heard of her.
Q Were you born while your mother and father were living together and lived in the same neighborhood with them until their death?
A Yes sir.
Q And you never heard of either of them having a daughter named Susie? A No sir, never did.
Q Did Zelse Lowery? A No sir, cause we are full brother and sister.
Q And you know you didn't have a full sister by the name of Susie?
A No sir. I never heard of but one half sister and her name was Mary.

BY MR. ELMORE:
Q How old did you say you were? A I guess I am about 54. Of course I never kept any count of my age, but I guess I am about 54.
Q Do you know how many wives your father had? A No sir, I don't. I never heard of him having but two.
Q What are their names? A I don't know his first wife's name.
Q What is his last wife's name? A Lydia Lowery.
Q Are you and Jess full brother and sister? A Yes sir.
Q Isn't it possible that he might have had a child by Lydia Lowery the first wife? A I dont know of any Lydia Lowery but my mother and her first child is Sarah.
Q You don't know then whether your father was the father of this Sudie Edmondson or Lowery or not? A I never heard of Sudie.
Q Could he not have had a child that you didn't know? A He could have, but I never heard of but two, a boy and girl.
Q Have you all lived in the same neighborhood? A Lived on one place that father lived on. When I married I first moved to Gibson and my father and mother lived in a mile or two of the town.
Q How far did these two Lydias live apart? A I don't know anything about but one Lydia.
Q Then you don't know anything about the first Lydia Lowery? A I don't know of but one Lydia Lowery. We were raised right at Andersen Lowery's together. My father and mother belonged to the same man.
Q Now if this Sudie Edmondson swears that Lydia Lowery and Jesse Lowery were her father and mother, are you prepared to swear they are not? A Yes, and I can get the Cherokee Nation for my witnesses. I have got a sister named Sarah----
Q Where is Sarah now? A She is living on Four Mile Branch.
Q You never saw this Sudie Edmondson or Lowery? A I don't know anything about her. I am not going to tell you that I haven't seen the woman. If she should come in here I might have known her. This is not the first woman that told you she was my sister. There are three and I don't know anything about them at all.

BY MR. HASTINGS:
Q Your mother was named Lydia? A Yes sir.
Q Did your mother die before you were married? A No sir.
Q About how many years since she died? A She hasn't been dead so long, she died since the payment.
Q Since this payment in 1896? A Yes sir.

Q And she lived in the same vicinity that you lived in until that time? A Yes sir, I lived right by her, my and her house were in not any further than right across yonder.
Q In sight? A Yes sir, I could talk to her.
Q You and her always lived near each other until her death? A Yes sir, right close together.
Q Now this woman claims to be a full sister of Nelse Lowery and Jesse Lowery who are your full brothers? A Yes sir, they are my full brothers, but I don't know anything about her.
Q This applicant according to her own sworn statement claims that Lydia Lowery, your mother, was her mother, now you know your mother never had a child named Sudie? A No sir, not my mother.
Q Now is Sarah Carter older or younger than you? A She is the oldest child.
Q About how much older? A I have one brother older than I and younger than she.
Q Some 4 or 5 years older than you? A Yes sir.
Q She is still living over there beyond Fort Gibson, Sarah is? A Yes sir, always lived right there in the neighborhood.
Q And you never heard of anybody claiming to be your sister named Sudie until you were called here as a witness and summoned? A No sir, never did.

BY MR. BLEDSOE:
Q How much older is that brother that you, that is alive? A I am older than Jesse.
Q Who is the next older than you? A Now let me tell you something, Sarah Carter was my oldest sister, and then a boy, called Joe, and I come next to him. Cornelius was the baby and Nelse was next.
Q Did you live with your father and mother in the neighborhood all the time? A All my life. When I know anything I was there with them right at Anderson Lowery's house 11 miles from Fort Gibson.
Q Your father and mother didn't scatter out the children? A No sir.

BY MR. HASTINGS:
Q Did Anderson Lowery have a son named Jim? A Yes sir. I am one year older than Jim.

BY MR. BLEDSOE:
Q I understand Jesse is younger than you? A Yes sir, of course he is younger than me.

This case will be closed and a decision rendered on the evidence heretofore introduced.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 29th day of March, 1906.

B. P. Raemus
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., APRIL 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SUSIE EDMONDSON, et al., as Cherokee Freedman.

APPEARANCES:
Principal applicant in person and by I. P. Bledsoe, Agent.
For Cherokee nation, L. D. Bell.

The records of this office show that on April 9, 1906, the applicant, her agent, and the Attorneys for the Cherokee nation were notified that the applicant would be permitted before this office on April 26, 1906, and introduce testimony showing what right her children, if any, had to enrollment through their father, Elijah Edmondson, at which time the following proceedings were had.

SUSIE EDMONDSON, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Susan Edmondson.
Q Your name is it Susie or Sudie? A I give it to the Commissioner Susan Edmondson.
Q Do you want your name put down on our records Susie, Sudie or Susan? A (Applicant declines to answer the question).
Q How old are you? A I have told you a dozen times how old I was and you have got it put down there somewhere.
Q Is your post office Muskogee? A Of course it is.
Q You are an applicant for enrollment as a Cherokee freedman, are you? A Of course I am.
Q Your husband was named Elijah Edmondson? A Yes sir.
Q Was he a Cherokee freedman? A No sir, I never did give him as a Cherokee freedman, he was a Choctaw freedman.
Q He never claimed citizenship in the Cherokee nation? A How could he. He wasn,t living here when I married him.
Q He never had any claim ito enrollment in the Cherokee Nation, is that it? A Of course he didn,t.

BY MR. BLEDSOE:
Q Do you know Mariah Chase? A Yes sir, I know her, she is my half sister.
Q How long have you known her? A Ever since I can recollect, that is the truth.
Q Who is the eldest you or Mariah Chase? A I gave in my age as near as I could, I am about 53 or 4.
Q When was the last time you saw Mariah Chase? A I saw her last summer.
Q Did you have any conversation with her? A Yes sir, she said she would be a witness for me but she couldn,t remember me, and I saw Nelson and he said he couldn,t remember me.

Q. Then if Mariah Chase says you are not a sister of hers she doesn't state the facts in the case? A. Sir?
Q. You are Mariah Chase's sister? A. I am her half sister.

On Behalf of the Commissioners:
The Cherokee nation submits the case on the evidence heretofore introduced, and the applicant and her attorney offer no objection, the case will be closed and a decision rendered on the evidence heretofore introduced.

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Geo. H. Lemley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lemley

Subscribed and sworn to before me this 26th day of April, 1906.

Chas E Hebbin
Notary Public.

[illegible] Cherokee Freedman No. [illegible]

[illegible] OF THE [illegible]

[illegible] THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sudie Edmondson, et al., as Cherokee Freedmen.

[illegible]

THE RECORDS IN THIS CASE SHOW: That at Muskogee, Indian Territory, on June [illegible], 1902, Sudie Edmondson appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her minor children, Sarah, Lula, Tyman, Nila, Eugene, Tommie, and Lucile Edmondson, as Cherokee freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, November 17, 1904, March 13, 20, 30, June 9, 15, September 28, and October 5, 1905, at Fort Gibson, Indian Territory, February 12, and at Muskogee, Indian Territory, March 29, and April 26, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Sudie Edmondson, claims that she was born in the Cherokee Nation about the year 1853, and was prior to the rebellion, the slave of a Cherokee citizen, that she was temporarily absent from the Cherokee Nation during the progress of said rebellion, but returned thereto and was a resident therein in 1866, and has since continuously resided within the domain of the Five Civilized Tribes The evidence further shows that the said principal applicant claims that her owner's name was Jim Lowrey, and that she is the daughter of Jesse and Lydia Lowrey, deceased, and the half sister (having the same father) of Nelson Lowrey, Jesse Lowrey and Mariah Chase, who are regularly enrolled freedmen citizens of the Cherokee Nation, their names appearing upon the approved partial roll of freedmen citizens thereof opposite Nos. 29, 3849 and 430 respectively. Said principal applicant in support of her contentions introduced the testimony of one Sam McCurtain, who testified before the Commission to the Five Civilized Tribes on March 13, 1905, at Muskogee, Indian Territory, that he first became acquainted with Sudie Edmondson in 1865; that she was a slave prior to the rebellion and belonged to a Cherokee Indian named Lowrey; that he did not know her father or mother or whether or not they were slaves: Jerry Martin, who same day and place, testified that he became acquainted with Sudie Edmondson in 1863; that he saw her in the Nation in 1866, and again in 1895 and 1896, and that he understands that she was a slave and belonged to Judge Lowrey; and Abe Prince, who on June 9, 1905, at Muskogee, Indian Territory before the Commission to the Five Civilized Tribes testified that he got acquainted with Sudie Edmondson just after the war; that he also got acquainted with Jesse Lowrey, who he testifies told him that Sudie Lowrey, now Edmondson, was his daughter and that he was also told that she was before the war, the slave of one Jim Lowrey.

At Fort Gibson, Indian Territory, on February 12, 1906, Jesse Lowery, the alleged half brother of the principal applicant herein, testified that he was about fifty years of age, and is the son of Jesse and Lydia Lowery, that he does not know the principal applicant, Sudie Edmondson, that she was not a member of his father's family, and that he never heard either his father or his mother mention such person. On March 29, 1906, at Muskogee, Indian Territory, Mariah Chase, the alleged half sister of the principal applicant herein, appeared before this office and testified that she did not know the said Sudie Edmondson, that she was born before the war and lived with her parents, Jesse and Lydia Lowery, for some years after the war, and that the said Sudie Edmondson was never a member of their family, and that her father never had a daughter named Sudie, or any daughter that could possibly be the applicant herein.

In view of the foregoing, it is considered by this office that the evidence in this case fails to show that the principal applicant herein, Sudie Edmondson, is the daughter of Jesse Lowery and a half sister of the said Nelson and Jesse Lowery and Mariah Chase, nee Lowery, as claimed, and that after ample opportunity having been afforded the said principal applicant to establish, by satisfactory evidence, her right to enrollment, she has failed to show that she possesses any right whatever to Cherokee freedman citizenship. Hence her application for enrollment comes within the rulings of the Department in the cases of Eliza Bryant, et al., (I.T.D.544-1904), Ed Williams (I.T.D.4230-1904), William Rector (I.T.D.1468-1904), Minnie Duncan, et al. (I.T.D. 1470-1904), Samantha Chambers (I.T.D.2296-1904), Martha Albert, et al. (I.T.D.4732-1904), Moses Ross (I.T.D.6056-1904), Jane Looney (I.T.D.6410,12688-1904), and Frankie Grimmett (I.T.D. 7902-1905).

The evidence further shows that the minor applicants herein, Sarah, Lula, Tyman, Ella, Eugene, Tommie and Lucile Edmondson, are children of the said principal applicant, Sudie Edmondson, and one Elija Edmondson, a non-citizen of the Cherokee nation, and that they were born since 1866, and possess no right to enrollment not possessed by their said mother. None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

It is, therefore, ordered that the order of October 20, 1905, reciting as the father and mother of the principal applicant, Sudie Edmondson, the identification of Jesse Lowery and Lydia Lowery on the 1867 census roll, be cancelled, and it is ordered and adjudged that, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Sudie Edmondson, Sarah Edmondson, Lula Edmondson, Tyman Edmondson, Ella Edmondson, Eugene Edmondson, Tommie Edmond-

ace and Lucile Edmondson are not entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly denied.

Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,
this SEP 22 1906

Cherokee Freedmen No. 329

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER 17, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Sudie Edmondson and her minor children as Cherokee Freedmen.

On October 14, 1904, the applicant was notified by registered mail and on October 26, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Sudie Edmondson and her minor children as Cherokee freedmen, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 17th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 17th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-:O:-o-o-o-o-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of November 1904, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 15 day of December, 1904

Charles W. Sawyer
Notary Public.

Cherokee Freedman R 136

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sudie Edmondson et al., as Cherokee Freedmen.

O R D E R.

Upon examination of the 1867 Freedmen roll made under authority of Article XII of the treaty of 1866, now in the possession of this office, the name of Jesse Lowry and Lydia Lowry, father and mother of the applicant, Sudie Edmondson, are identified thereon, on page 221, Illinois District.

It is ordered that this statement be filed with and made a part of the record in the case of Sudie Edmondson, et al., Cherokee Freedman R 136.

Tams Bixby.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this DCT 20 1905

[illegible]

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of Sudie Edmonson
a citizen of the Cherokee Nation, Dawes Commission opinion on enrollment
Muskogee Ind. Ter. and died on the 8th day of
July 1906

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western District.

I, Tyson Edmonson, on oath state that I am 27
years of age and a citizen, by adoption of the Cherokee Nation;
that my postoffice address is Muskogee (Here insert name of postoffice.), Ind. Ter.; that I am
the son of Sudie Edmonson (Here insert name of deceased.)
who was a citizen, by adoption of the Cherokee Nation
and that said Sudie Edmonson (Here insert name of deceased.) died on the 8th day of
July 1906.

WITNESSES TO MARK:

Tyson Edmonson

(Must Be Two Witnesses)
Lynn W Culp
Fred Hudson

Subscribed and sworn to before me this 4th day of August 1906

Aurelius H. Jones
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western District.

I, Sue Lone, on oath state that I am 25
years of age, and a citizen by of the Nation;
that my postoffice address is Muskogee (Here insert name of postoffice.), Ind. Ter.;
that I was personally acquainted with Sudie Edmonson (Here insert name of deceased.)
who was a citizen, by adoption of the Cherokee Nation;
and that said Sudie Edmonson (Here insert name of deceased.) died on the 8th day of
July 1906.

WITNESSES TO MARK:

Sue Lone

(Must Be Two Witnesses)
Lynn W Culp
A H Jones

Subscribed and sworn to before me this 4th day of August 1906

Aurelius H. Jones
Notary Public.

F.D. 339

IN RE
THE ESTATE OF

Sarah Alexander
a citizen of the

Cherokee Nation

Approved Oct 9 1905

Tams Bixby
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVIL-
ZED TRIBES.

FILED

OCT. 9 1905

Tams Bixby
Commissioner

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sarah Rimondson
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided on or near

Sallisaw (Here insert name of postoffice.) Ind. Ter. and died on the 22d day of

July 1903

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, Indian Territory,
Western District.

I, Sudie Rimondson, on oath state that I am about 23 years of age and a citizen, by Adoption of the Cherokee Nation; that my postoffice address is Muskogee (Here insert name of postoffice.), Ind. Ter. that I am the mother (Here insert relationship to the deceased, as uncle, a cousin, etc.) of Sarah Rimondson (Here insert name of deceased.) who was a citizen, by Adoption or birth of the Cherokee Nation and that said Sarah Rimondson (Here insert name of deceased.) died on the 22d day of

july, 1903

Witnesses to Mark:

her
Sudie X Rimondson
mark

(Must Be Two Witnesses)
Isaac Winstrob
Wm. Norton

(Seal)

Subscribed and sworn to before me this 21 day of September 1903.

My Commission expires July 2, 1906.

Joshua Ross
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, Indian Territory,
District.

I, , on oath state that I am years of age, and a citizen by of the Nation; that my postoffice address is (Here insert name of postoffice.), Ind. Ter.; that I was personally acquainted with (Here insert name of deceased.) who was a citizen, by , of the Nation; and that said (Here insert name of deceased.) died on the day of , 1

Witnesses to Mark:

(Must Be Two Witnesses.)

Subscribed and sworn to before me this day of 190

Notary Public.

[illegible]

N O T E

[illegible] for Permission of

[illegible]

[illegible]

Note

Approved

Commissioner

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the application for enrollment as a citizen of the Cherokee Nation of Lucy Edmondson born on the 9 day of August 1888 Name of Father Elijah Edmondson a citizen by adoption Cherokee Indian Name of Mother Susan Edmondson a citizen Cherokee Indian Post office Muskogee Indian Territory

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I Susan Edmondson being first duly sworn, on my oath, say I am 52 years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of Elijah Edmondson who is a citizen by adoption of the Cherokee Nation; that a female child was born to me on the 9 day of August 1888, that said child has been named Lucy Edmondson, and is now living.

Her
Susan X Edmondson
mark

WITNESSES TO MARK:

Must be Two Witnesses

Subscribed and sworn to before me this day of 190

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ....., on the ..... day of ....., 1..... ; that there was born to her on said date a ..... (MALE OR FEMALE) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK:

Must be Two Witnesses

Subscribed and sworn to before me this ..... day of ..... 190.....

NOTARY PUBLIC.

IN RE

Application for Permanent of

INFANT CHILD

Notice

Approval

Commissioner

[illegible]

DEPARTMENT OF THE INTERIOR

[illegible]

[illegible] Choctaw [illegible]

[illegible] Edmondson [illegible] December 1[illegible]

Name of Father Elijah Edmondson [illegible] Choctaw Freedman

Name of Mother Susan Edmondson [illegible] Choctaw Freedman

[illegible] Muskogee Indian Territory

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Muskogee District.

I, Susan Edmondson [illegible] 53 years of age, a citizen by adoption [illegible] Choctaw Nation, [illegible] that I am married and the wife of Elijah Edmondson who is a citizen by adoption of the Choctaw Nation, [illegible] a male child was born to me on the [illegible] day of December 1[illegible] 8[illegible]4, that said child has been named Tommy Edmondson, and is now living.

Susan Ky Edmondson
mark

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this [illegible] day of [illegible] 190[illegible]

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
..... District.

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ..... on the ..... day of ....., 1..... ; that there was born to her on said date a ..... (MALE OR FEMALE) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK: .....

(Must be Two Witnesses)

Subscribed and sworn to before me this ..... day of ..... 190.....

NOTARY PUBLIC.

[illegible]

Application for Transfer of

INSANE [illegible]

[illegible]

[illegible]

Approved [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Simon Edmondson [illegible] May [illegible]

Name of Father Floyd Edmondson [illegible] Cherokee Freedman

Name of Mother Susan Edmondson [illegible] Cherokee Freedman

[illegible] Muskogee Indian Territory

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,
Indian Territory
Western District.

I, Susan Edmondson [illegible] 52 years of age, [illegible] adoption [illegible] Cherokee Nation, [illegible] that I am the mother of Floyd Edmondson [illegible] adoption [illegible] Cherokee Nation, [illegible] that a male child was born to me on the [illegible] day of May 88[illegible] that said child has been named Simon Edmondson, and is now living.

Susan X Edmondson
(Mark)

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ..... on the ..... day of ....., 1..... ; that there was born to her on said date a ..... (MALE OR FEMALE) ..child; that said child is now living and is said to have been named .....

WITNESSES TO MARK: .....

(Must be Two Witnesses) .....

Subscribed and sworn to before me this ..... day of ..... 190.....

.....

NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of

Nation

Approved

Commissioner

DEPARTMENT OF THE INTERIOR

ACCORDING TO THE FIVE CIVILIZED TRIBES

[illegible] Eugene Edmondson [illegible] June 1902

Name of Father Elijah Edmondson [illegible] Elijah Edmondson

Name of Mother Susan Edmondson [illegible] Susan Edmondson

[illegible] Muskogee, Indian Territory

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Muskogee District.

I, Susan Edmondson [illegible] 32 years of age and a citizen by adoption [illegible] Choctaw. Nation, that I am the lawful wife of Elijah Edmondson who is a citizen by adoption [illegible] Choctaw Nation, and that a male child was born to me on the 16 day of June 1902 that said child has been named Eugene Edmondson and is now living.

Susan X Edmondson
mark

WITNESSES TO MARK

Must be Two Witnesses

Subscribed and sworn to before me this ____ day of ____ 190

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
..... District.

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ..... on the ..... day of ....., 1..... : that there was born to her on said date a ..... (MALE OR FEMALE) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK: .....

Must be Two Witnesses

Subscribed and sworn to before me this ..... day of ..... 190.....

NOTARY PUBLIC.

38.339.

C. & D

[illegible]

[illegible] DEPARTMENT OF THE INTERIOR.

[illegible] TO THE [illegible] TRIBES

I, [illegible] of the [illegible] Nation, [illegible] of Lucile Edmondson [illegible] 31 [illegible] March [illegible] 96
Name of Father: Elijah Edmondson [illegible] Cherokee Edmondson
Name of Mother: Susan Edmondson [illegible] Cherokee Edmondson
[illegible] Tenley

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Illetera District }

I, Susan Edmondson [illegible] 53 years of age and a citizen, by adoption, of the Cherokee Nation, that I am the lawful wife of Elijah Edmondson, who is a citizen by adoption of the Cherokee Nation, that a female child was born to me on 31 day of March 96, that said child has been named Lucile Edmondson, and is now living.

Susan X Edmondson
mark

WITNESSES TO MARK:

{ Must be Two Witnesses } [illegible]

Subscribed and sworn to before me this _____ day of _____ 190

_____
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
_____ District. }

I, _____, a _____, on oath state that I attended on Mrs. _____, wife of _____ on the _____ day of _____, 1_____; that there was born to her on said date a _____ (MALE OR FEMALE) child; that said child is now living and is said to have been named _____.

WITNESSES TO MARK: _____

{ Must be Two Witnesses } _____
_____

Subscribed and sworn to before me this _____ day of _____ 190 _____

_____
NOTARY PUBLIC.

Muskogee, Indian Territory, 190[illegible]

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in the matter of the enrollment of Lizzie Edmondson [illegible]

[illegible]
Stenographer.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 27 1902

Authority to compromise

CHEROKEE NATION

Name [illegible]

Number [illegible]

1. Name [illegible] Age [illegible]

Opposite number [illegible] Citizenship [illegible]

Roll [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

2. Name of wife [illegible] Age [illegible]

Opposite number [illegible] Citizenship [illegible]

Roll [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

[illegible]

[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]
[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]
[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]
[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]
[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]
[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]
[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]
[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]
[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]
[illegible]	Year [illegible]	Page [illegible]	No. [illegible]	Dist. [illegible]

Application made by [illegible] Stenographer [illegible]

[illegible] Department

[illegible]

Washington, Indian Territory, [illegible]

W. F. [illegible],

Attorney for the Cherokee Nation,

[illegible], Indian Territory.

Dear Sir:

In the matter of the application of [illegible] for the enrollment of herself and minor children as Cherokee freedmen, R-[illegible], file [illegible], you are advised that before the Commission to the Five Civilized Tribes in a case involving the question of testimony [illegible] the applicant was the slave of a citizen of the Cherokee Nation at the commencement of the war of the rebellion, whether or not she returned to the Nation within the time allowed in the Treaty of 1866, and her residence since that time.

The applicant has therefore this day been directed to appear before the Commission at its office in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and give testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

[illegible]

Muskogee, Indian Territory, July 7, 1904.

Susie Simondson,

Vinita, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that you introduce further testimony tending to show whether or not you were the slave of a recognized citizen of the Cherokee Nation at the commencement of the war of the rebellion; whether or not you returned to the Nation after the war within the time provided in the Treaty of 1866; and your residence since that time. It is also desired that you furnish the Commission with affidavits as to the births of your minor children, Sarah, Lula, Tymon, Ella, Eugene, Tommie and Lucille Simondson.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 7 B A.

The Cherokee Freedmen
Roll.

Muskogee, Indian Territory, August 8, 1904.

Sallie Edmondson,

Vinita, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children as Cherokee freedmen you are advised that before the Commission can render a final decision in your case it will be necessary that you introduce further testimony tending to show whether or not you were the slave of a recognized citizen of the Cherokee Nation at the commencement of the war of the rebellion; whether or not you returned to the Nation after the war within the time provided in the Treaty of 1866, and your residence since that time.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, September 13, 1904, and give testimony as above indicated.

Respectfully,

Register.

Commissioner in Charge.

Cherokee Freedmen,
D-286.

Muskogee, Indian Territory, October 18, 1904.

Sudie Edmondson,

Vinita, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether or not you were the slave of a recognized citizen of the Cherokee Nation at the commencement of the war of the rebellion, whether or not you returned to the Cherokee Nation after the war within the time specified in the treaty of 1866, and as to your residence since that time.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, November 17, 1904, to introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

SIGNED) T. B. Needles,
Commissioner to the Five Civilized Tribes.

Register.

Cherokee Freedman
N-115.

Muskogee, Indian Territory, January 18, 1905.

Rudie Edmondson,

Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor children as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary to have further testimony showing whether or not you were the slave of a Cherokee citizen at the commencement of the rebellion, and whether or not you returned to the Cherokee Nation within the time limited by Article 9 of the Cherokee Treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, February 1, 1905, and introduce testimony touching the points above mentioned. In this connection you are advised that when you appeared before the Commission at Muskogee, Indian Territory, on June 27, 1902, you gave your post office address as Vinita and the Commission has repeatedly written you at that place but the letters were returned uncalled for.

Respectfully,

SIGNED, Tams Bixby.
Chairman.

Register.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
1-112.

Muskogee, Indian Territory, February 27, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Sudie Edmondson and her minor children as Cherokee freedmen, you are advised that the said Sudie Edmondson has this day been verbally notified that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 6, 1905, and she will be allowed to introduce such testimony as she may desire in the matter of her said application.

You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in the matter of said application.

Respectfully,

T. R. Breckinridge

Commissioner in Charge.

COPY

Cherokee Freedmen

D-336.

Muskogee, Indian Territory, March 20, 1906.

P. M. Wisdom,

Attorney for Eudie Edmondson, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on March 13, 1906, in the matter of the application for the enrollment of Eudie Edmondson, et al. as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. D-79.

Cherokee Freedmen

D. 238.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Sudie Edmondson, et al., as Cherokee freedmen, you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced as to whether or not the parents of Sudie Edmondson were Cherokee freedmen, and if so, whether they complied with the terms of the Cherokee Treaty of 1866. Evidence is also desired as to the exact date of the death of Sarah Edmondson, minor child of the principal applicant.

The said Sudie Edmondson has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, September 28, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

W. O. Beall

Acting Commissioner.

L8

Cherokee Freedmen

Enrl.

Muskogee, Indian Territory, September 16, 1905.

Dodie Edmondson,

Muskogee, Indian Territory.

Dear Madam:

In connection with your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that before a decision can be rendered in your case it will be necessary that further testimony be introduced as to whether or not your parents were Cherokee freedmen, and if so, whether they complied with the terms of the Cherokee Treaty of 1866. Evidence is also desired as to the exact date of the death of your daughter, Sarah Edmondson, and there is inclosed herewith a blank form of death affidavit which you are requested to have properly executed showing the date of her death.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, September 28, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

(SIGNED) [illegible]

Acting Commissioner.

LS
Inc. 1 D4
Enclosed

Cherokee Freedmen

D-[illegible]. COPY.

Muskogee, Indian Territory, September 16, 1905.

S. P. Bledsoe,

Agent for Sudie Edmondson, et al.,

Choteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Sudie Edmondson, et al., as Cherokee freedmen, you are advised that before a decision can be rendered in this case it will be necessary that further testimony be introduced as to whether or not the parents of Sudie Edmondson were Cherokee freedmen, and if so, whether they complied with the terms of the Cherokee Treaty of 1866. Evidence is also desired as to the exact date of the death of Sarah Edmondson, minor child of the principal applicant.

The said Sudie Edmonson has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, September 28, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce any testimony it may desire in this case.

Respectfully,

(SIGNED)

Wm O Beall

Acting Commissioner.

LS

[illegible]

Cherokee Freedmen

D-282.

Muskogee, Indian Territory, October 31, 1906.

I. P. Madeog,

Chieftain, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated October 30, making the enrollment of Jesse and Lydia Lowrey on the 1867 census roll of Cherokee Freedmen, a part of the record in the matter of the application for the enrollment, as Cherokee freedmen, of Eddie Edmondson, et al.

Respectfully,

Tams Bixby

Commissioner.

Encl. D-303

Cherokee Freedmen

S-506.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 26, 1906.

Boll, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated October 20, making the enrollment of Jesse and Lydia Lowrey on the 1867 census roll of Cherokee freedmen, a part of the record in the matter of the application for the enrollment, as Cherokee freedmen, of Susie Edmondson, et al.

Respectfully,

Commissioner.

Incl. S-506

Muskogee, Indian Territory, November 16, 1906.

Jesse Looney,

Fort Gibson, Indian Territory.

Dear Sir:

In connection with the application for the enrollment as a Cherokee freedman of Sudie Edmondson, it is desired to know whether she is your full sister or half sister.

Will you please advise this office by return mail upon this question.

Respectfully,

GHL

Commissioner.

Muskogee, Indian Territory, November 18, 1908.

Julia Edmondson,

Muskogee, Indian Territory.

Dear Madam:

In connection with your application for enrollment as a Cherokee freedmen, it is desired to know whether you are a full sister or a half sister to Nelson and Jesse Lowrey.

Will you please advise this office by return mail upon this question.

Respectfully,

GMI.

Commissioner.

Ft Gibson I. T.

Nov 20 03

Dear sir

In record to your letter Nov 18 I dont know any thing about the Reid Sudie Wheardons I never had but one half sister and she been dead for 10 yr or more and her name was Mary Lowery

Respectfully

(Signed) Josie Lowery

Committee to the Five Civilized Tribes,

Muskogee, United Territory.

Gentlemen:-

I have been out to my mother the last two weeks and was sick, being the reason I did not answer your letter.

Yes sir, we are sisters and brothers. Nelson Lowrey and Nora Thane, he being dead now, and my maiden name is Susan Lowrey.

Yours truly

Susan Edmondson.

Cherokee
S S 222.

Muskogee, Indian Territory, February 4, 1906.

Eudie Edmondson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on Monday, February 12, 1906, at one o'clock P. M., a hearing will be had in your Cherokee freedman enrollment case at Fort Gibson, Indian Territory, at which time Jesse Lowery has been directed to appear before a Field Party of this office in order that his testimony may be taken in connection with your case.

Respectfully,

GHL

Acting Commissioner.

ENCLOSED.

Cherokee
F R 328.

Muskogee, Indian Territory, February 5, 1906.

Jesse Lowery,

Fort Gibson, Indian Territory.

Dear Sir:

Referring to your letter of November 20, 1905, in which you state that Budie Edmondson is not a half sister of yours, you are advised that said Budie Edmondson is an applicant for enrollment as a Cherokee freedman claiming to be a daughter of Jesse and Lydia Lowery, both deceased.

It is desired that your testimony be taken in connection with her claim to enrollment as a citizen of the Cherokee Nation, and you are, therefore, hereby notified that on Monday, February 12, 1906, at one o'clock P. M., you will be given an opportunity to appear before a Field Party of this office at Fort Gibson, Indian Territory, at which time you are directed to be present in order that your testimony may be taken in connection with this case.

Budie Edmondson claims to be a half sister of yours and in order that her right to enrollment as a Cherokee freedman may be rightfully determined, it is especially desired that your testimony be secured. You will be advised of the place of hearing upon inquiry of the Postmaster of Fort Gibson on the above date.

Respectfully,

Acting Commissioner.

GHL.
REGISTER.

Cherokee
F S 1906.

Muskogee, Indian Territory, February 6, 1906.

L. P. Pleiece,

Agent for Sudie Edmondson,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that a hearing will be had before a Field Party of this office at Fort Gibson, Indian Territory, on Monday, February 12, 1906, at one o'clock P. M., in the Cherokee freedman enrollment case of Sudie Edmondson, at which time Jesse Lowery has this day been directed to appear in order that his testimony may be taken in connection with this case.

Respectfully,

GHL

Acting Commissioner.

REGISTER.

Dockets
S S 222.

Muskogee, Indian Territory, February 8, 1906.

Hall, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that a hearing will be had before a Field Party of this office at Fort Gibson, Indian Territory, on Monday, February 12, 1906, at one o'clock P. M., in the Cherokee freedman enrollment case of Sudie Edmondson, at which time Jesse Lowery has this day been directed to appear in order that his testimony may be taken in connection with this case.

Respectfully,

GHL

Acting Commissioner.

Cherokee
P R 149.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 16, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Fort Gibson, Indian Territory, on February 12, 1906, in the matter of the application for the enrollment of Sudie Edmondson, et al., as Cherokee freedmen.

Respectfully,

Acting Commissioner.

Incl. GL-52.
GHL

Cherokee
F B 555

Muskogee, Indian Territory, February 16, 1906.

I. P. Gladney,

Agent for Sudie Edmondson,

Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Fort Gibson, Indian Territory, on February 12, 1906, in the matter of the application for the enrollment of Sudie Edmondson, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-51.
GHL

Acting Commissioner.

Cherokee
F B 539

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, March 8, 1906, and introduce such testimony as you may desire in the matter of the application for the enrollment of Sudie Edmondson, et al., as Cherokee freedmen.

The applicants will also be permitted to appear on that date and introduce in rebuttal such testimony as they desire in their case.

Respectfully,

Acting Commissioner.

GHL

Cherokee
F B 320

Muskogee, Indian Territory, February 27, 1906.

Sudie Edmondson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Attorneys for the Cherokee Nation have this day been notified that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, March 8, 1906, and introduce such testimony as they desire in the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen.

You will also be permitted to appear on that date and introduce in rebuttal such testimony as you desire in your case.

Respectfully,

GHL

Acting Commissioner.

Cherokee
S E 229

Muskogee, Indian Territory, February 17, 1906.

I. P. Rhodes,

Agent for Sudie Edmondson,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Attorneys for the Cherokee Nation have this day been notified that they will be permitted to appear before the office of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, March 8, 1906, and introduce such testimony as they desire in the matter of the application for the enrollment of Sudie Edmondson, et al., as Cherokee freedmen.

The applicants will also be permitted to appear on that date and introduce in rebuttal such testimony as they desire in said case.

Respectfully,

GHL

Acting Commissioner.

Cherokee
F H 239

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 27, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee freedman enrollment case of Sudie Edmondson, et al., has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

GHL

Acting Commissioner.

Muskogee, Indian Territory, February 27, 1906.

Sudie Edmondson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee freedman enrollment case of yourself, et al., has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

GHL

Acting Commissioner.

Cherokee
F & [illegible].

Muskogee, Indian Territory, February 27, 1906.

L. P. Gleason,

Agent for Sudie Edmondson, et al.,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee freedman enrollment case of Sudie Edmondson, et al., has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

GHL

Acting Commissioner.

Cherokee Freedmen
R 144

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 9, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that before a final decision can be rendered in the matter of the application of Sudie Edmondson for the enrollment of her children as Cherokee freedmen it will be necessary to show what right they may have to enrollment as such through their father, Elijah Edmondson. Sudie Edmondson has therefore been directed to appear before this office at nine o'clock A.M. on Thursday, April 26, 1906, and introduce testimony touching this point.

You will also be permitted to appear on that date and introduce such testimony as you may desire.

Respectfully,

W. C. Brown

LMB

Acting Commissioner

Cherokee Freedmen
S. 198

Muskogee, Indian Territory, April 9, 1906

Susie Edmondson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that before a final decision can be rendered in the matter of your application for the enrollment of your children as Cherokee freedmen it will be necessary to show what right they may have to enrollment as such through their father, Elijah Edmondson. You are therefore directed to appear before this office at nine o'clock A. M. on Thursday, April 26, 1906, and introduce such testimony as you may desire touching this point.

The attorneys for the Cherokee Nation will also be permitted to appear on that date and introduce such testimony as they may desire.

Respectfully,

LMB

Acting Commissioner

Register

Cherokee Freedmen
E 188

Muskogee, Indian Territory, April 9, 1906

T. P. Bledsoe,

Agent for Sudie Edmondson,

Choouteau, Indian Territory,

Dear Sir:

You are hereby notified that before a final decision can be rendered in the matter of the application of Sudie Edmondson for the enrollment of her children as Cherokee freedmen it will be necessary to show what right they may have to enrollment as such through their father, Elijah Edmondson. Sudie Edmondson has therefore been directed to appear before this office at nine o'clock A. M. on Thursday, April 26, and introduce testimony touching this point.

The attorneys for the Cherokee Nation will also be permitted to appear on that date and introduce such testimony as they may desire.

Respectfully,

LMB

Acting Commissioner

Cherokee
F A 896.

Muskogee, Indian Territory, April 26, 1906.

L. F. Middens,

Agent for Sudie Edmondson, et al.,

Choteau, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings taken at Muskogee, Indian Territory, April 24, 1906, in the matter of the application for the enrollment of Sudie Edmondson, et al., as Cherokee freedmen.

Respectfully,

Commissioner.

Incl. GL-65.
GHD.

Cherokee
F R Ent.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 26, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings taken at Muskogee, Indian Territory, April 26, 1906, in the matter of the application for the enrollment of Sudie Simondson, et al., as Cherokee freedmen.

Respectfully,

Commissioner.

Incl. GL-66.
GHL

Cherokee freedmen
R 339

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 28, 1906.

Sudie Edmonson,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed September 7, 1905, by your attorneys for review in your Cherokee freedman enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

Wm. O. Beall
Acting Commissioner.

KKP

Cherokee Freedmen
T 680, et al.

Muskogee, Indian Territory, May 26, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LKB

Commissioner

Cherokee Freedmen
E 408 et al.

Muskogee, Indian Territory, May 8, 1906

Hines & Bohyer,

Attorneys for Joseph Brown, et al,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LRR

Commissioner

Encl, 3-83

Cherokee Freedman
N 128

Muskogee, Indian Territory, August 13, 1906.

Tyson Edmondson,

Care of Lynn W. Culp,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of your letter of August 6, 1906, requesting that all mail relative to the application for the enrollment of Sudie Edmondson et al., be sent to you in care of Lynn W. Culp, Muskogee, Indian Territory. Your letter has been noted and filed.

Respectfully,

L M B

Commissioner

Cherokee D.
D. 149.

Muskogee, Indian Territory, September 22, 1906.

Tyman Edmondson,

c/o Lynn W. Culp,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 22, 1906, rejecting the application of your mother, Sudie Edmondson for the enrollment of herself and children, Sarah, Lula, Tyman, Ella, Eugene, Tommie, and Lucile Edmondson, as Cherokee freedmen.

Your agent, I. E. Eledess, Choteau, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in this case, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Tams Bixby,
Commissioner.

Insl.C-15
LMC

Chamberlin v.
R. 529.

Muskogee, Indian Territory, September 22, 1906.

George E. Powell,
Agent for Sudie Edmondson, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 22, 1906, rejecting the application of Sudie Edmondson for the enrollment of herself and children, Sarah, Lula, Tyman, Nila, Eugene, Tommie, and Lucile Edmondson, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Tams Bixby.
Commissioner.

Encl.C-17
LMC

Chey-Cons 9.
R. 880.

Muskogee, Indian Territory, September 22, 1906.

I. W. Bledsoe,

Attorney for Sudie Edmondson, et al.,

Choteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 22, 1906, rejecting the application of Sudie Edmondson for the enrollment of herself and children, Sarah, Lula, Tyman, Ella, Eugene, Tommie, and Lucile Edmondson, as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Incl.C-16
LMC

Muskogee, Indian Territory, September 28, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Sudie Simpson for the enrollment of herself and children, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 22, 1906, rejecting the application for the enrollment of Sudie, Sarah, Lula, Tyson, Ella, Eugene, Tennie, and Lugile Simpson, as Cherokee freedmen.

Respectfully,

Tams Bixby,
Commissioner.

Inal.0-19
LMO

Through the Commissioner
of Indian Affairs.

Cherokee D.
R. 939.

[illegible]

Muskogee, Indian Territory, September 22, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 22, 1906, rejecting the application of Sudie Edmondson for the enrollment of herself and children, Sarah, Lula, Tyman, Ella, Eugene, Tommie, and Lucile Edmondson, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior forhis review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl.C-18
LMC

[illegible]

February 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report of Commissioner Bixby, dated September 23, 1906, together with the record in the matter of the application of Sudie Edmondson for the enrollment of herself and children as Cherokee freedmen, including the decision of the Commissioner, dated September 24, 1904, rejecting the application.

It appears from the record that on June 27, 1902, Sudie Edmondson appeared before the Commission at Muskogee and made application for the enrollment of herself and her minor children, Sarah, Lulu, Tyman, Ella, Eugene, Tommie and Lucile Edmondson, as Cherokee freedmen.

The evidence in this case shows that the principal applicant claims that she was born in the Cherokee Nation about the year 1853, and was, prior to the rebellion, a slave of a Cherokee citizen; that she was temporarily absent from the Nation during the progress of the rebellion, but returned thereto and was a resident therein in 1866, and has since continuously resided within the domain of the Five Civilized Tribes. She claims that her owner's name was Jim Lowery, and that she is the daughter of Jesse and Lydia Lowery, deceased, and a half sister of Nelson

Lowrey, Jesse Lowrey, and Mariah Chase, who are regularly enrolled freedmen citizens of the Cherokee Nation. In support of her application, the testimony of Sam McCurtain was introduced, who says that he first became acquainted with the principal applicant in 1867; that she was a slave prior to the rebellion and belonged to a Cherokee Indian named Lowrey, that he did not know her father or mother, or whether or not they were slaves.

Jerry Martin, in behalf of the principal applicant, testified that he became acquainted with her in 1863, that he saw her in the Nation in 1866, and again in 1895 and 1896, and that he understands that she was a slave and belonged to Judge Lowery.

Abe Prince testified that he got acquainted with Sudie Edmondson just after the war; that he also got acquainted with Jesse Lowrey, who he says told him that Sudie Lowrey (now Edmondson) was his daughter, and that he was also told that she was a slave of one Jim Lowrey before the war.

Jesse Lowrey, the alleged half brother of the principal applicant, testified that he was about 50 years of age, and is the son of Jesse and Lydia Lowrey; that he does not know the principal applicant; that she was not a member of his father's family and that he never heard either his father or mother mention such person.

Mariah Chase, the alleged half sister, also testified that she did not know Sudie Edmondson; that she (Mariah Chase) was born before the war and lived with her parents, Jesse and Ludia Lowrey for some years after the war, and that Sudie

Edmondson was never a member of their family, and that her father never had a daughter named Sudie or any daughter that could possibly be the applicant herein.

In view of the foregoing, it is considered by the Office that the evidence in this case fails to show that the principal applicant herein, Sudie Edmondson, is the daughter of Jesse Lowrey and a half sister of Nelson and Jesse Lowrey and Mariah Chase, as claimed, and that after the ample opportunity had been afforded her to establish, by satisfactory evidence, her right to enrollment, she has failed to show that she possesses any rights whatever to Cherokee freedmen citizenship.

The evidence further shows that the minor applicants herein were born since 1866, and possess no rights to enrollment not possessed by their mother. The Commissioner says that none of the applicants can be identified on any roll of the Cherokee Nation in his possession. It is therefore recommended that the application be denied.

Very respectfully,

Acting Commissioner

AJW--SD

[illegible]

DEPARTMENT OF THE INTERIOR [illegible]

WASHINGTON

[illegible]

[illegible]

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September [illegible], 1906, you transmitted the record in the matter of the application for the enrollment of Sudie Edmondson and her children, Sarah, [illegible]la, Tyman, Ella, Eugene, Tommie, and [illegible]ie Edmondson, as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 5, 1907 (Land 83968-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 Ind. Of.

Cherokee
F & 330.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 29, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 22, 1906, rejecting the application for the enrollment of Sudie, Sarah, Lula, Tyman, Ella, Eugene, Tommie, and Lucile Edmondson, as Cherokee freedmen, was on January 17, 1907, affirmed by the Secretary of the Interior.

For your information there is inclosed herewith a copy of the Departmental decision referred to.

Respectfully,

Commissioner.

Incl. GL-67.
GHL

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

769
43

REGISTERED
NOV 15 1904
VINITA, IND. TER.

REGISTERED
OCT 15 1
MUSKOGEE, IND. TER.
Return ... Letter.
UNCLAIMED.

~~Sadie Edmondson,~~

Muskogee, Indian Territory.

Department of the Interior

Penalty for Private Use, $300

WASHINGTON, D.C. 1913

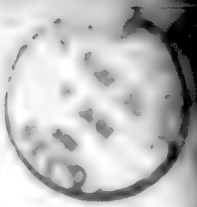
Return to Writer
UNCLAIMED.

~~Public Roads,~~

~~Visitor Indian Services,~~

Ff-339

VINITA, IND. T.
OCT 14 1904
P. O.



Department of the Interior
Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TER.

FINE ENGRAVED
FOR PRIVATE USE

Willie Edmondson,

Winita, Indian Territory.

VINITA, IND. T.
JUL 11 1904
M.

Chas Fr. R. 340

Trans. from Chas Fr. Memo 38

Chas Fr. R. 340

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 11th, 1902.

In the matter of the application of Lila Alberty for enrollment as a Cherokee Freedman, said Alberty being sworn and examined by Commissioner Needles, testified as follows,

Q What is your name? A Lila Alberty.
Q Is that your name now? A Yes,sir
Q How old are you? A About sixty some odd.
Q What is your post office address? A Fort Gibson or Melvin.
Q Well you must give one or the other? A Fort Gibson.
Q What district do you live in? A Tahlequah district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir
Q Who do you want to enroll besides yourself? A Well, my husband is here.
Q He can apply for himself, I presume? A Yes,sir , and all of my children is of age.
Q They must apply for themselves; you have not no children under 21 years of age, unmarried living with you? A No,sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes,sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Not on the '80 roll, but on the other rolls.
Q Is your name on the roll of 1880? A No, sir
Q Are you married? A Yes,sir
Q What is your husband's name? A Arthur Alberty.
Q How long have you been married? A I have been married so long I can't tell.

The 1880 authenticated roll, 1896 census roll, Kern-Clifton Payroll, and Wallace roll of Cherokee Freedmen examined and name of applicant not found thereon.

Q Did you draw what is known as strip money? A No,sir
Q Did you ever draw any money from the Cherokee Nation?
A No sir.
Q Did anybody ever draw any for you? A No,sir.
Q Were you a slave? A Yes,sir.
Q To whom did you belong? A Tom Pettit.
Q Was he a Cherokee? A Yes,sir.
Q By blood? A Yes,sir.
Q Where were you born? A Born in the old country
Q Were you taken out of the Cherokee Nation during the war between the north and south? A Yes,sir.
Q Where to? A Texas.
Q State of Texas? A Yes,sir.
Q When did you return from the State of Texas to the Cherokee Nation? A I don't know just when it was; it was as quick as I could return, you see I had to work my way
Q Have you lived in the Cherokee Nation ever since you returned?
A Yes,sir.
Q How many children have you? A Well I got ten in all; three dead and the others are living.
Q Where were they born? A Born just-
Q In the Cherokee Nation or State of Texas? A Born mostly in the Cherokee Nation.
Q Were any of your children born in Texas? A No,sir, don't remember any born in Texas.
Q Where were you married Auntie? A In the Cherokee Nation.
Q That was after you came back from Texas? A No,sir.
Q You were married when you went to Texas? A Yes,sir, my first husband died.
Q And your second husband? A And my second husband was the one went.
Q Went to Texas? A Yes,sir.

Q Is he living; your second husband? A Yes,sir, he is living.
Q About how many children did you have born in Texas them?
A The one that's there; there is one there in Texas, he was born there.
Q Is that your oldest child, the one that is in Texas? A No, sir my oldest child is right here
Q The one that was born in Texas is where yet? A Yes sir.
Q How old is he? A He is about 24 or 7, I don't know which; I don't remember all the ages.
Q How old was he when you let there and come back? A I don't know how old he was.
Q Did you leave him there? A Yes,sir.
Q Well was he a pretty well grown boy? A Yes,sir, he was about 16; I guess along there somewhere when he left me.
Q About 16? A Yes,sir, about there.
Q And born there? A Yes,sir.
Q Have you any witnesses? A Yes,sir.
Q Who are they? A My sisters and brothers and cousins.
Q Have you any here to-day to testify? A Yes,sir.
Q Who have you here to-day A Clark Grimmett--
(Two witnesses sworn and put under the rule)

BY MR. HASTINGS: Cherokee Boys Tentative
Q What was your son's name who lived in Texas? A Robert
Q You say he is about 24 or 7 years of age? A Yes,sir, that is about his age I think.
Q Was he married when you left down there? A No,sir.
Q O'd enough to work for himself was he, Auntie? A Yes,sir.
Q Take care of himself when you left? A Yes,sir.
Q What is your next child's to Robert's name? A George
Q How old is George? A I think he is about 27 I think that is his age; I can't much tell the ages.
Q What place in Texas was he born, near what town? Harrison County, near to Marshall.
Q Now, what was the next one to George? A Joe.
Q How old is Joe? A I guess he is 24 or 5, or something along there.
Q Now, what place in Texas was he born? A Born the same place, same town, Harrison County, Texas.
Q What is the next one to George? A William.
Q How old is William? A He is 20 years old, 3 or 4.
Q Was he born in the same Country in Texas? A Yes,sir, same town.
Q What is the next one? A Frances, a girl.
Q How old is Frances? A She is 22 I believe.
Q Was she born in the same County with the rest of them? A Yes, sir.
Q In Texas? A Yes,sir.
Q What is the next one? A That is all.
Q Well, all of your children, all of your youngest children were born in Texas? A Yes,sir.
Q How old was Frances when you come up here? A Three years old; I come up here in '83.
COM'R NEEDLES: Well, you lived in Texas until 1883, and came here with your children; that is the truth is it? A Yes,sir

BY MR. HASTINGS: What is this eldest daughter of yours?
A Eliza Waldridge
Q You took her to Texas with you? A Yes,sir
Q How long has she been here? A She has been back about six months

CLARK GRIMMETT, sworn and examined by Commissioner Needles, testified as follows on part of applicant:
Q What is your name? A Clark Grimmett
Q What is your age? A 48

Q What is your postoffice? A Fort Gibson.
Q Do you know Lila Alberty? A Yes,sir.
Q How long have you known her? A Ever since I could remember.
Q Was she a slave? A Yes,sir.
Q To whom did she belong? A Tom Pettit
Q Was she taken out of the Cherokee Nation during the war between the North and South? A Yes,sir.
Q When did she return? A '63
Q Been living here ever since? A Yes,sir.
Q Didn't return here until 1863? A No,sir.

AMY SMITH, being sworn and examined by Commissioner Needles testified as follows on part of applicant:
Q What is your name? A Amy Smith
Q How old are you Amy? A About 70.
Q What is your postoffice? A Fort Gibson.
Q Do you know Lila Alberty, the applicant? A Yes,sir.
Q How long have you known her? A I have been knowing her all my days.
Q Was she a slave? A Yes,sir.
Q To whom did she belong? A Tom Pettit.
Q Do you know whether she went out of the Cherokee Nation during the war between the North and South? A Yes,sir.
Q Where did she go? A She went down in Texas.
Q When did she return? A I can't tell the time she came back?
APPLICANT: '63 it was? A It was.
Q About ten or 12 years ago? A Over 12 years
Q You think it was not 15? A It is about 15 or 16. I don't know which; I can't tell you exactly
Q She has been living here ever since? A Yes,sir
Q She haslived in Texas and raised a family down there? A Yes,sir

Lila Alberty applies for the enrollment of herself as a Cherokee Freedman. Upon examinations of the rolls of the Cherokee Nation her name cannot be found . She avers that she was a slave, taken out of the Cherokee Nation during the war, and did not return until in 1863, too late under the provisions of the treaty of 1866, and the laws now in force to be enrolled as a Cherokee Freedman, consequently her application will be denied and she will be rejected.

J.O. Rosson, being first duly sworn , states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this September 13th 1901.
Signed M. D. Green.
N. P.

The undersigned, under oath, states that as stenographer to the Commission to the Five Civilized Tribes she made the above copy and that the same is a true and correct copy of the original transcript.

Lucyen Bowman

Subscribed and sworn to before me this 22 day of August, 1904.

W. T. Martin Jr.
Notary Public.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FORT GIBSON, I.T., SEPTEMBER 14, 1901.

In the matter of the application of William A. Alberty for enrollment as a Cherokee Freedman; said Alberty being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William A. Alberty.
Q What is your age? A About 64 years old
Q What is your post office address? A Fort Gibson.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir
Q Does your name appear upon any of the rolls of the Cherokee Nation
A On Mr. Wallace roll I reckon.

The 1880 authenticated roll, 1896 census roll, Kern-Clifton pay roll, and Wallace roll of Cherokee Freedmen examined and name of applicant not found thereon.

Q What is your middle name? A Arthur.
Q Is that the name you go by? A Yes sir.

(Two witness called for applicant and sworn and placed under the rule)

Q You say you drew the Wallace money? A I drewed Fifteen dollars and a half.
Q Under the name of William Alberty? A Yes,sir, William Arthur.
Q Were you a slave , Mr. Alberty? A Yes,sir.
Q To whom did you belong? A Alberty, Mr. Blue Alberty.
Q Was he a Cherokee? A Yes,sir.
Q By blood? A By blood.
Q Well, where were you born? A Flint district.
Q Were you taken out of the Cherokee Nation during the war between the North and south? A Yes,sir.
Q Where to? A Carried down to Texas.
Q When did you return? A In '83.
Q Been living here ever since? A Ever since.
Q You raised a family in Texas? A Not all of them
Q You had some of them? A Yes,sir.
Q Are you the husband of Lila Alberty? A Yes,sir.
Q Did you live with her in the State of Texas while she was there?
A Yes,sir.
Q You and her returned to the Cherokee Nation together?
A Yes,sir; I was a slave brought with my old friends and was an old settler.

(Testimony of witness not considered necessary for the Commission and not introduced)

WILLIAM A. ALBERTY applies for the enrollment of himself; he cannot be identified upon any of the rolls of the Cherokee Nation , although he avers that he drew what is known as the Wallace payment. His name cannot be found upon said roll. He avers that he was a slave and taken out to the State of Texas during the war, and did not return until 1883, too late under the treaty of 1866 to be listed for enrollment as a Cherokee Freedman, consequently the application of William A. Alberty for enrollment will be rejected.

-- ---- --------

J. O. Reseen being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly-

William O Liberty--2

recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. G. Moore.

Subscribed and sworn to before me this September 15, 1901.

(Signed) M. D. Green
N.P.

The undersigned, being first duly sworn, states that we stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy and that the same is a full true and correct copy of the original transcript.

Josephine Berryman

Subscribed and sworn to before me this 22 day of August, 1904.

Wm. Marlow
Notary Public

2 F R - 340

Joe Bowen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 28, 1902.

In the matter of the application of JOE ALBERTY, for the enrollment of himself, wife and children as Cherokee Freedmen

JOE ALBERTY, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Joe Alberty.
Q How old are you ? A I guess I am about 22.
Q What is your post office address ? A Fort Gibson.
Q What district are you living in ? A Tahlequah district.
Q Do you apply for enrollment as a Cherokee freedman ?
A Yes sir.
Q Do you apply for anyone besides yourself ?
A Yes sir, I have got four children.
Q What is the name of the oldest child ? A Clyde.
Q How old is he ? A Six years old.
Q The next child ? A Nancy.
Q How old ? A Four.
Q The next child ? A Robert.
Q How old ? A Two.
Q The next child ? A Elma.
Q How old ? A She will be seven months old tonight.
Q Are these children living ? A Yes sir.
Q What is their mother's name ? A Lettie.
Q Is she a State woman or a Cherokee freedman ?
A She was a doubtful citizen like myself; she is a daughter of Oliver Harnage.
Q Has she been enrolled ? A No sir.
Q Do you want to make application for her ? A Yes sir I will try for her.
Q How old is your wife ? A I expect she is about the same age as I am. The old folks never knew for certain.
Q Is she living ? A Yes sir.
Q What is your father's name ? A William Alberty.
Q Is he a Cherokee freedman ? A Yes sir.
Q Is he living ? A Yes sir.
Q What was your mother's name ? A Lila Alberty.
Q Is she living ? A Yes sir.
Q Is she a Freedman ? A Yes sir.
Q What was your wife's father's name ? A Oliver Harnage.
Q Is he living ? A No sir, he's dead.
Q Was he a Cherokee freedman ? A Yes sir. He belonged to Mr. John Harnage.
Q What was her mother's name ? A Nancy Ross.
Q Is she living ? A No sir, she aint living.
Q Was she a Cherokee freedman ? A Yes sir.
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen ? A No sir.
Q Has your wife ever been recognized ? A No sir.
Q Do your names appear upon any of the tribal rolls ?
A No sir.
Q Have you ever drawn any money ? A No sir, my father was the only one that ever drawed. He drawed from Mr. Wallace. My father drawed from Mr. Wallace two years after the Cherokee payment. The department sent it to him from the Treasury Department at St. Louis.

--The rolls of 1880 and of 1896, and the Wallace roll and Kuykendall roll of Cherokee Freedmen, examined, and neither the applicant nor his wife are identified thereon.

Q Where were you born ? A Sweetwater in Sequoyah district.
Q How long have you been living in the Cherokee Nation ?
A I have lived in the Cherokee Nation all my life.
Q Have you ever been out ? A Yes sir, I have travelled a little about.
Q Where to ? A Fort Smith.
Q How long were you there ? A A month or two months.
Q Is that the only time you have been out ? A Yes sir.
Q Has your wife always lived in the Cherokee Nation ?
A No sir, not always.
Q When did she come to the Cherokee Nation ?
A She was quite small when she came to the Cherokee Nation.
Q Where has she been living since that time ?
A With me most of the time ever near Tahlequah.

--Joe Alberty applies for the enrollment of himself, wife and children as Cherokee Freedmen. The applicant himself, his wife, nor his children, are identified on any of the rolls of the Cherokee Nation now in the possession of the Commission.

This application comes within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court for the Northern District of the Indian Territory, and under the provisions of said injunction this Commission is without authority to receive, consider or make any record of the application of Joe Alberty for the enrollment of himself, wife and children as Cherokee Freedmen; and his application will be listed for rejection.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this July 9, 1902.

Read

Notary Public.

Cherokee Freedman D 1036

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 26, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOE ALBERTY, ET AL., as Cherokee freedman.

It appears that on July 7, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 26, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant, Joe Alberty, appears in person.
Cherokee Nation by its representative, L. D. Bell.

JOE ALBERTY, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Joe Alberty.
Q How old are you? A About 32, I don't know exactly.
Q What is your postoffice address? A Fort Gibson.
Q You applied for the enrollment of yourself and children as Cherokee freedmen? A Yes, sir.
Q You gave your children's names as Clyde, Nancy, Robert and Mima Alberty, is that correct? A Yes, sir.
Q Are they all living now? A Yes, sir.
Q Living with you? A Yes, sir.
Q What is the name of your father? A William Alberty.
Q Is he living? A Yes, sir.
Q Is he a Cherokee freedman? A Yes, sir.
Q Has he applied to this Commission for enrollment? A (Applicant hands in a copy of the Commission's decision in Cherokee freedmen D 1036, William Alberty, said decision being dated March 8, 1904, and granting the enrollment of the said William Alberty as a Cherokee freedman).
Q What is the name of your mother? A Lila Alberty.
Q Is she living? A Yes, sir.
Q Is she a Cherokee freedman? A Yes, sir.
Q Has she applied to the Commission for enrollment? A Yes, sir.
Q Do you know whether the Commission has taken any action in her case or not? A I don't know as they have rendered a final decision in her case.
Q Did she apply for anybody besides herself? A I think she made entry for two more children.
Q What are their names? A William, Jr. and Frances; I think she just made entry for the, because they are of age, too.
Q Does your mother go by the name of Alberty now? A Yes, sir.
Q Did she apply for herself or did your father apply for her?
A They may have made separate application, I don't know.
Q Are they living together? A Yes, sir, been living together ever since I could recollect; I don't know showhat she might have told the Commission, because she was a Pettit before she married father. I don't know what she said to father.
Q What was the name of your mother's father, if you know? A Phil Mayes.
Q And her mother? A Mother was named Mollie Pettit.

Commission: The applicant's mother's name is listed on Cherokee Freedmen card No. R 163, and the Commission's records show that its

decision March 5, 1904, rejecting her application was forwarded to the Department for review on March 28, 1904.

Q What was the name of your father's father? A He was named George Adair. He was a slave of Mr. John Thompson from what I could learn.
Q Are you certain about that? A Just what they say about it.
Q What was the name of your father's mother? A Sallie Alberty.
Q Does your father's name appear upon the Wallace roll? A No, sir, I think not; he got the money afterwards.
Q What district did he live in when that roll was made? A In Tahlequah. His name doesn't appear upon the roll because he didn't get his money from the roll. He worked for it long after the roll was made.
Q How old is your father now? A I don't know. I guess he must be, I don't know; Mr. Bell might know that; he is right about 60 something.
Q What is his postoffice address? A Fort Gibson all the time.
Q Are you positive about the names of his parents? A That is what they always called them, might have had some other name.
Q Did your father ever go by the name of William A. Alberty?
A Yes, sir, sometimes they put that in there.
Q Who was your father the slave of? A Mr. Blue Alberty; I think he was relation of Mr. Bell.

Commission: An examination of the Commission's records discloses that the applicant's father is listed for enrollment on Cherokee freedmen R 164, and that the Commission's decision of March 5, 1904, rejecting his application was forwarded to the Secretary of the Interior on March 28, 1904. It is further shown that the decision presented by the applicant, enrolling one William Alberty, is the decision of the Commission in the case of another party and not the applicant's father.

Q You claim your right to enrollment through both your father and mother, Mollie and William A. Alberty? A Yes, sir.
Q What is your wife's name? A Liddie.
Q Did you apply for her enrollment? A I spok e for her; she claims a right.
Q Through you by intermarriage? A Through her parents, but they are all dead, and she couldn't establish the fact, and she just told me to say to the Commission that she couldn't establish the fact of his coming back in time.
Q Does she want to withdraw her application? A Yes, sir, on account of no evidence. She was young.
Q How old is your wife? A She is about 30 years old.
Q Were both her father and mother slaves of Cherokee citizens?
A Yes, sir, I don't know about her mother, but her father belonged to Mr. John Harnage.
Q Do you know where your wife was born? A In Texas, she says.
Q Do you know how old she was when she first came to the Cherokee Nation? A She was about, she claims about 30 now, and I married her on May 30, 1894, and our first child was born September 3, 1896.
Q Are your wife's parents living now either of them? A No, sir.
Q Do you know when they first came to the Cherokee Nation after the war? A No, sir.
Q They went to Texas during the war? A I don't know; she don't either.
Q She was born there? A Yes, sir, Mr. Harnage, I think, lived in Texas, and owned his slaves over there.
Q What Harnage? A John Harnage.
Q And both of her parents belonged to him? A No, sir, I think not both; her father only.

Q Who did her mother belong to? A She was a Carter, she claimed that her mother claimed that she belonged to some John Carter, a William of this country, also taken down there, and they didn't [illegible] she can't remember that she did.
Q Is your wife here today? A No, sir, she is not able to be here.
Q What do you mean by they didn't come? A Didn't return to this country in '64.
Q Do you know whether your wife's father returned in 1866? A No, sir, I don't know, I just got acquainted with him about three years before I married my wife. They were here then and I married her. She is in confinement now is the reason she isn't here.
Q Do you know whether your wife's father claimed to have returned with his owner, John Harrage? A No, s'r, I don't.
Q Don't know whether he claimed that? A No, sir, I don't.
Q The testimony taken in the case of your mother and that of your father will be made a part of the record in your case as any rights that you might have would come through them.
(No cross-examination).

PART THOMPSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Bart Thompson.
Q How old are you? A About 61 or '2.
Q What is your postoffice address? A Fort Gibson.
Q What district do you live in? A I live in Tahlequah district.
Q You claim to be a Cherokee freedman? A Yes, sir.
Q Do you know the applicant in this case, Joe Alberty? A Yes, sir.
Q Do you know his wife, Liddie? A Yes, sir, I know her.
Q When did you first get acquainted with Joe? A When I first got acquainted with Joe, it was up to Flint, when he was a little kid, when the war was going on.
Q Did you know his father and mother? A Yes, sir.
Q What was his father's name? A Uncle Atter Alberty, we called him.
Q Did he ever go by any other name? A Not as I knew of.
Q Is he living now? A Yes, sir.
Q About how old is he? A About 65, I guess, he is a good deal elder than I am, because he was a man, when I was a boy, he had a wife and I never was studying about it when I was a boy..
Q What was the name of Joe's mother? A Lila.
Q When did you first get acquainted with Joe's father and mother? A I got acquainted with Joe's mother time of the war was going on; she was a Pettit, Lila Pettit.
Q And his father? A Time the war was going on, when they was carrying him to the Chickasaw Nation.
Q Who was carrying him to the Chickasaw Nation? A John Thompson Adair had him when I knowed him.
Q You don't know anything about who Joe's parents belonged to at the beginning of the war? A Lila belonged to a Pettit and his father belonged to Captain Alberty, we called him.
Q Do you know when they returned to the Cherokee Nation after the war? A Not exactly, when they got back, I couldn't tell what time it was.
Q When did you first see them in the Cherokee nation after the war? A The year of the cholera. I had been up in Kansas, and I come down travelling around and seed him.
Q Did you see his wife at that time? A No, sir, I didn't see her.
Q What year was the cholera? A In 67, I believe.
Q In what time of the year did you see, of the year '67, did you see Atter? A Along about the middle.
Q In the summer? A Yes, sir, it was hot, I couldn't tell exactly what time of the year.

Q Where was he then? A He came where we were camped on the Four Mile branch.
Q That is near Fort Gibson, in the Cherokee nation? A Yes, sir, four miles the other side.
Q You don't know whether Joe's father had just returned to the nation or whether he had been here. What is the first time you had seen him since the war? A Yes, sir, the first time I had seen him since the war, but I don't know exactly how long he had been here.
Q When was the first time you saw Joe's mother in the Cherokee Nation after the war? A It was, I couldn't remember what time it was, just to tell the natural truth about it, what time it was, because I couldn't date no time and never kept no time.
Q Was this boy, Joe, with his father, when you saw him the of the children? A Yes, sir he was with him.
Q Joe was with him then? A Yes, sir, he was with him.
Q That was in 1867? A Along in '67.
Q About how big a boy was Joe then? A A good sized boy, looked like he might be about, a good sized boy; I have seen boys as big as him plowing.
Q About how many years old? A About eight or ten years old, I guess.
Q Was this boy, Joe, born before the war then? A Yes, sir, he was born before the war.
Q You saw him before the war? A When the war was going on.
Q And before the war? A Yes, sir.
Q About how big a boy was he when you first saw him before the war? A When I first saw Joe he was about that high.
Q About three feet high? A About three feet, I reckon.
Q Have Joe and his father lived in the Cherokee Nation ever since you saw them in 1867? A Yes, sir, not far from me.
Q When did you say you saw Joe's mother after the war? A I don't know exactly.
Q After you saw he and his father? A Yes, sir, because she had been living up about Flint somewhere.
Q You don't know, then, of your own knowledge when Joe and his father and mother first came back to the Cherokee Nation after the war? A No, sir, I couldn't tell when they came back exactly.
(No cross-examination).

JOE ALBERTY, being recalled, testified as follows:

By the Commission:
Q Do you remember anything about the war? A No, sir, I don't know anything about that.
Q You don't know just when you were born? A No, sir, only by what they say. They say '72; I think they can't tell; they don't know A from B, but they will guess, you know.
Q Do you know anything about whether you were born before or after the war? A I am satisfied I was born after the war.
Q When you first came to the Cherokee Nation where do you remember of stopping? A In Sequoyah.
Q Sequoyah district? A Yes, sir, the first time I remember we lived with a family by the name of Aaron Johnson; he is dead now.
Q When did you first come up about Fort Gibson? A I didn't come up to Fort Gibson until about '80.
Q How old were you then? A I don't know; that has been 24 years ago.
Q That would make you about eight or ten years old? A Yes, sir.
Q Who did you come up there with? A My parents.
Q Father and mother? A Yes, sir.
Q That is the first time you were ever around Fort Gibson? A Yes, sir, been right around there on Four Mile Branch in Tahlequah ever since.

Q. You came to Fort Gibson [illegible] at that time? A. Yes, sir, and been living there and about there ever since.
Q. Did you see this man Bell [illegible] there at that time? A. Yes, sir.
Q. That is the first time you saw him? A. Didn't see him just then, but have been acquainted with him all my life, from childhood recollection.
Q. Have you any more evidence that you desire to offer in this case? A. No, sir, I don't know that Father Wright could.
Q. This is your own speech. A. Yes, sir, I have no more.

Commissioner. The applicant and the attorney for the Cherokee Nation state that they have no further testimony to offer in this case, and the case is now declared closed.

E. E. Bunge, being first duly sworn, states that as stenographer to the commission in the above entitled cause he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the [illegible] day of August, 1906.

Notary Public.

C.F.M

Cherokee Freedmen R 140

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joe Alberty, Lettie Alberty, Clyde Alberty, Nancy Alberty, Robert Alberty and Mima Alberty, as Cherokee Freedmen.

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D E C I S I O N.

The record in this case shows that Joe Alberty appeared before the Commission at Muskogee, Indian Territory, June 26, 1902, and made application for the enrollment of himself, his wife, Lettie Alberty, and their four minor children, Clyde, Nancy, Robert and Mima Alberty, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, July 26, 1904. A copy of the testimony taken at Fort Gibson, Indian Territory, on September 13, 1901, in the case of William A. Alberty, Cherokee Freedmen R 164, and Lila Alberty, Cherokee Freedmen R 163, is filed herewith and made part of the record in this case.

The evidence in this case shows that Joe Alberty was born since 1866, and is the son of and claims the right to enrollment through his father, William A. Alberty, and his mother, Lila Alberty.

It is further shown that Lettie Alberty was born since 1866 and claims no right to enrollment except through her father, Oliver Harnage, and the evidence does not show that said Oliver Harnage complied in any manner with the provisions of article nine of the treaty of 1866.

The applicants, Clyde, Nancy, Robert and Mima Alberty, are minor children of the said Joe and Lettie Alberty, and claim no right to enrollment except through their said parents.

This Commission in its decision of March 4, 1904, found that William A. Alberty, Cherokee Freedmen R 164, and Lila Alberty, Cherokee Freedmen R 163, father and mother of the applicant, Joe Alberty, were not entitled to enrollment as Cherokee Freedmen, for the reason that they left the Cherokee Nation during the Rebellion and did not return to said Nation in compliance with the terms of article nine of the treaty of 1866.

None of the applicants herein , nor their ancestors through whom they claim, can be identified on the Cherokee authenticated tribal roll of 1880.

[illegible]

CONFORMING TO THE NEW CIVILIZED METHOD.

Name James Digby.

Name T. E. Noodles.

Name C. E. Breckinridge.

Washington, Indian Territory,

Date JAN 18 1905

Fanny Allisday

Approved SEP 27 1904

application received Jan 28 1902

FILED
SEP 27 1904
COMMISSION TO FIVE TRIBES.

[illegible]

[illegible]

[illegible] Cherokee [illegible]

[illegible] Florida Alberty [illegible] 1897

[illegible] Joe Alberty [illegible] Cherokee [illegible]

[illegible] Lilia Alberty [illegible] [illegible]

[illegible] Boat Tahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA
INDIAN TERRITORY
District

I, Lettie Alberty [illegible] on oath state that I am 22 years of age and a citizen by Marriage of the Cherokee Nation, that I am the lawful wife of Joe Alberty, who is a citizen, by Nativity of the Cherokee Nation, that a Female child was born to me on the 15 day of September at 4 P.m 1897, that said child has been named Nancy Alberty, and is now living.

Lettie x Alberty
her
Mark

WITNESSES TO MARK:

R E Burris
C. W. Willey

(Must be Two Witnesses)

Subscribed and sworn to before me this 14th day of Sept 1904

J D Lake
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, Lila Alberty, a mid-wife, on oath state that I attended on Mrs. Lettie Alberty, wife of my Son Joe Alberty on the 15th day of September at 4 P.m, 1897 that there was born to her on said date a Female child; that said child is now living and is said to have been named Nancy Alberty

Lila x Alberty
her
Mark

WITNESSES TO MARK:

R E Burris
C. W. Willey

(Must be Two Witnesses)

Subscribed and sworn to before me this 14th day of September 1904

J D Lake
NOTARY PUBLIC.

E. T. R. 3

Mona Albert

Appearance

Application made June 28 1904

FILED
SEP 27 1904
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR

[illegible]

In the Application for Enrollment as a citizen of the Cherokee Nation of Minna Alberty born on the 28 day of November 1901

Name of Father: Joe Alberty a citizen of the Cherokee Nation

Name of Mother: Lettie Alberty a citizen of the Cherokee Nation

Post Office: Fort Gibson

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA
INDIAN TERRITORY
District

I, Lettie Alberty of mature age, being 22 years of age, married, of the Cherokee Nation, that I am the lawful wife of Joe Alberty, a citizen by Nativity of the Cherokee Nation, that a Female child was born to me on the 28 night day of November 1901 that said child has been named Minna Alberty, and is now living.

her
Lettie X Alberty
mark

WITNESSES TO MARK

R E Burns
C. W. Quilley
(Must be two Witnesses)

Subscribed and sworn to before me this 14th day of September 1904

J D Lake
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, Barbra E Starr a mid wife, on oath state that I attended on Mrs. Lettie Alberty, wife of Joe Alberty on the 28 night day of November, 1901; that there was born to her on said date a Female child (MALE OR FEMALE); that said child is now living and is said to have been named Minna Alberty.

her
Barbra X Starr
mark

WITNESSES TO MARK:

R E Burns
C. W. Quilley
(Must be Two Witnesses)

Subscribed and sworn to before me this 14th day of September 1904.

J D Lake
NOTARY PUBLIC.

R-348

To be

Application for Enrollment as

INTERMARRIED CITIZEN

Clyde Albertey

Nation

Approved SEP 27 1904

Commissioner

application made June 28 1902

FILED
SEP 27 1904
COMMISSION TO FIVE TRIBES.

[illegible] CERTIFICATE OF THE INSPECTOR.

[illegible]

[illegible] Clyde Alberty [illegible] 3 [illegible] September 1895

Name of Father Joe Alberty [illegible] Cherokee [illegible]

Name of Mother Lettie Alberty [illegible]

[illegible] Sort. Gibson 2nd Tues

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, [illegible] TERRITORY.

I Lettie Alberty [illegible] 32

[illegible] married [illegible] Cherokee [illegible]

that I am the wife of Joe Alberty, who is a citizen by

Nativity [illegible] Cherokee [illegible] Female child was

born to me on the third 3 day of September 1895 that said child has been named

Clyde Alberty, and is now living.

her
Lettie X Alberty
mark

WITNESSES TO MARK

R E Butler
C. W. Willey

(Must be Two Witnesses)

Subscribed and sworn to before me this 14th day of September 1904

J D Lane
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
District.

I, Barbra E. Starr, a Mid Wife, on oath state that I attended on Mrs. Lettie Alberty, wife of Joe Alberty on the third 3 day of September, 1895 that there was born to her on said date a Female (MALE OR FEMALE) child; that said child is now living and is said to have been named

Clyde Alberty

her
Barbra E X Starr
mark

WITNESSES TO MARK:

R E Butler
C. W. Willey

(Must be Two Witnesses)

Subscribed and sworn to before me this 14th day of Sept 1904

J D Lane
NOTARY PUBLIC.

C 3 R 3 no

[illegible]

Application for Enrollment of

[illegible]

Cabal Albert

[illegible]

[illegible] Notice

Approved [illegible]

[illegible] Commissioner

application mailed June 27 1904

FILED
SEP 27 1904
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR

TO BE ATTACHED TO THE APPLICATION FOR ENROLLMENT

To the Commissioner to the Five Civilized Tribes:

Application for Enrollment as a citizen of the Cherokee Nation of Robert Alberty born on the 12 day of August 1899

Name of Father: Joe Alberty, a citizen of the Cherokee Nation

Name of Mother: Lettie Alberty, a citizen of the Nation

Post Office: Fort Gibson

AFFIDAVIT OF MOTHER

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Lettie Alberty, on oath state that I am twenty two years of age and a citizen by marriage of the Cherokee Nation, that I am the lawful wife of Joe Alberty, who is a citizen, by intermarriage, of the Cherokee Nation, that a Male child was born to me on the 12 day of August at 7 a.m. 1899, that said child has been named Robert Alberty, and is now living.

her
Lettie X Alberty
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
R E Lee
E W Quilley

Subscribed and sworn to before me this 14th day of September 1904.

J D Lane
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Lila Alberty, a Mid Wife, on oath state that I attended on Mrs. Lettie Alberty, wife of my Son Joe Alberty on the 12 day of August at 7 a.m. 1899; that there was born to her on said date a Male (MALE OR FEMALE) child; that said child is now living and is said to have been named Robert Alberty

her
Lila X Alberty
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
R E Lee
E W Quilley

Subscribed and sworn to before me this 14th day of September 1904.

J D Lane
NOTARY PUBLIC.

[illegible]

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 30 1902

CHEROKEE FREEDMEN

Name

Post Office

Descent

Blood Age

Citizenship

Year Page No. Dawes

Parents

Father Citizenship

Mother Citizenship

1 Name of wife Age

Dawes name Citizenship

Year Page No. Dawes

Parents

Father Citizenship

2 Mother Citizenship

Names of Children

1. Year Page No. Dist.

2. " Year Page No. Dist.

3. " Year Page No. Dist.

4. " Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

Cherokee Freedmen

Enroll

Muskogee, Indian Territory, July 9, 1904.

Joe Alberty,

Fort Gibson, Indian Territory,

Dear Sir:

In the matter of your application for the enrollment of yourself, wife and children as Cherokee freedmen, you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show whether or not your parents, or either of them, was a free colored person in the state of Georgia or a citizen at the commencement of the war of the rebellion, and whether or not they returned to the Cherokee Nation after former slavery within the time provided in the Treaty of 1866. It is also desired that the more testimony be introduced as to your wife's parents. It is also desired that you furnish the Commission with affidavits as to the births of your minor children, Clyde, Henry, Robert and Mina Alberty.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and give testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. 4 B. A.

Cherokee Freedmen
R-340.

Muskogee, Indian Territory, July 9, 1896.

W. T. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Joe Almirty for the enrollment of himself, wife and children as Cherokee freedmen R-340, (old No. Memo. 32), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the parents, or either of them, was a free colored person or the slave of a Cherokee citizen at the commencement of the war of the rebellion, and whether or not they returned to the Cherokee Nation within the time allowed in the Treaty of 1866. It is also desired that the same testimony be introduced as to the parents of the girl Louella's wife.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 28, 1896, and give testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Cherokee Freedmen
[illegible]

Muskogee, Indian Territory, September 29, 1904.

Joe Alberty,

Fort Gibson, Indian Territory.

Dear Sir:

The Commission is in receipt of four duly executed birth affidavits showing the births to Joe and Lottie Alberty, of Clyde Alberty on September 3, 1896; of Nancy Alberty on September 18, 1897; of Robert Alberty on August 18, 1899, and of Nina Alberty on November 28, 1901. The same being in due form will be filed with and made a part of the record in this case.

Respectfully,

Tams Bixby.
Chairman.

POOR ORIGINAL

Cherokee Freedmen
B 248

Muskogee, Indian Territory, January 16, 1906

Joe Alberty,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, your wife, Lettie Alberty, and your minor children, Clyde, Nancy, Robert and Vina Alberty, as Cherokee freedmen, together with the Commission's decision dated January 16, 1906, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decission. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. B 98

Register

SIGNED: Tams Bixby.
Chairman

POOR ORIGINAL

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
R 100

Muskogee, Indian Territory, January 16, 1908

Will Thatcher A Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1908, rejecting the application for the enrollment of Joe Alberty, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case , has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. R 100

Chairman

POOR ORIGINAL -

Cherokee Freedmen
R 140

Muskogee, Indian Territory, January 16, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Joe Alberty, et al., as Cherokee freedmen, including the Commission's decision dated January 16, 1908, rejecting said application.

Respectfully,

SIGNED: Tams Bixby,
Chairman

Encl. R 99

Through the
Commissioner of Indian Affairs.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
D. 24 et al.

Muskogee, Indian Territory, January 24, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lewe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Marlin, Bellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McCosnell, Mande Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy

Thornton, Alice Jarrett, Nahaley Ward, Fred J. Thomas, Dattie Reed, Ellie Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Samuel Taylor, Henry Sykes, Larkin P. Powell, Shagney Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary N. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Punkner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hasslrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Hampter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. X-9.

Refer to [illegible] following:

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,
[illegible] INDIAN AFFAIRS,
WASHINGTON.

[illegible], 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 17, 1906, transmitting the record of the application for enrollment as Cherokee Freedmen by Joe Alberty for himself, his wife, Lettie Alberty, and their four minor children, Clyde, Nancy, Robert and Nina Alberty.

January 18, 1905, the Commission decided adversely to all the applicants.

The record shows that Joe Alberty was born since 1866, and is the son of and claims right to enrollment through his father, William A. Alberty, and his mother, Lila Alberty. It is also shown that Lettie Alberty was born since 1866 and claims sole right to enrollment through her father, Oliver Harnage, and the evidence fails to show that Oliver Harnage returned to the Cherokee Nation on or before February 11, 1867. The minor applicants claim solely through their parents.

Under date of June 28, 1906 (I.T.D. 5054) the Department approved the decision of the Commission rejecting the applications of William A. Alberty and Lila Alberty.

The Secretary of the Interior,

[illegible]

[illegible]

In view of the record the action of the Commissioner in denying patent appears to be correct.

Very respectfully,

[illegible]

Acting Commissioner.

M. M. M.

W.

O. S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

D.

I.T.D. 23.6-1[illegible]. Aug. 21 8, 1908.

L. B. S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

January 1[illegible], 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Joe Alberty for the enrollment of himself, his wife, Lettie Alberty, and their four minor children, Clyde, Nancy, Robert, and Mima Alberty, as Cherokee freedmen, including its decision of the same date, adverse to all the applicants.

March 7, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission adverse to all the applicants be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated January 16, 1905, denying the application of Joe Alberty for the enrollment of himself, his wife, Lettie Alberty, and their four minor children, Clyde, Nancy, Robert, and Mima Alberty, as Cherokee freedmen is hereby affirmed.

1 inclosure.

Respectfully,
(Signed) Thos. Ryan,

Cherokee Freedmen
E 340

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 11, 1906

Hall, Mastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 16, 1906, rejecting the application of Joe Alberty for the enrollment of himself and his wife, Lettie Alberty, and their minor children, Clyde, Nancy, Robert and Nima Alberty, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 3, 1906.

For your information there is herewith inclosed a copy of the Departmental letter above referred to.

Respectfully,

Acting Commissioner

LMB
Incl. L187

Cherokee
F 5450.

Muskogee, Indian Territory, August 11, 1906.

Joe Alberty,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 16, 1906, rejecting your application for the enrollment of yourself, your wife, Lottie, and minor children, Clyde, Haney, Robert, and Nina Alberty, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 3, 1906.

Respectfully,

GEL

Acting Commissioner.

Chem Fr. R. 341

Trans Chem. Fr. 34

Chem. Fr. R. 341

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 26th, 1902.

In the matter of the application of Mary Williams for the enrollment of herself and children, Fred, Maggie and Eddie Williams, as Cherokee Freedmen:

Appearances:
Applicant appears in person.
Cherokee nation by W. W. Hastings.

MARY WILLIAMS, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name? A. Mary Williams.
Q. How old are you? A. I am 42.
Q. What is your post office address? A. Post office, Evansville.
Q. Oklahoma? A. Yes, sir.
Q. You apply for enrollment as a Cherokee Freedman? A. Yes, sir.
Q. Have you any children under 21 years of age? A. 3.
Q. What is the name of the oldest one under 21? A. Fred.
Q. Fred Williams? A. Fred Williams; yes, sir.
Q. Is he living or dead? A. He is living.
Q. How old is he? A. He is 18.
Q. The next child? A. Maggie Williams.
Q. How old is she? A. She is in her 15th year.
Q. The next child? A. Eddie Williams
Q. How old is Eddie? A. He is in his 13 year.
Q. Is that all? A. Yes, all under age.
Q. What is the name of the father of these children? A. Harrison Williams.
Q. Is he living or dead? A. Living.
Q. Is he a state man? A. Yes, sir.
Q. Where were you born? A. State of Missouri.
Q. Did you ever live in the Cherokee nation? A. No, sir.
Q. Were your children all born outside of the Cherokee nation?
A. Yes, sir.

The tribal rolls of the Cherokee nation examined and the applicant or her children are not identified thereon.

Mary Williams applies for the enrollment of herself and three children as Cherokee Freedmen. Neither the applicant or her children are identified upon any of the tribal rolls now in the possession of the commission. Neither does it appear that the applicant or her children ever resided in the Cherokee nation.

This case comes within the provisions of the temporary injunction recently granted by Judge Gill of the United States court for the northern district of Indian Territory, and under the provisions of said injunction this commission is without authority to receive, consider or make any record of her application for the enrollment of herself and children.

[illegible]

Subscribed and sworn to before me this [illegible] day of July, [illegible]

[illegible]

Cherokee Freedmen R-84.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Williams, Fred Williams, Maggie Williams and Eddie Williams as Cherokee Freedmen.

D E C I S I O N.

The record herein shows that on June 20, 1902, Mary Williams appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor children, Fred, Maggie and Eddie Williams, as Cherokee Freedmen.

The evidence herein shows that the principal applicant, Mary Williams, at the time the original application was filed, was sixty-two years old, and is the mother of the minor applicants herein, and that the said minor applicants possess no rights to enrollment other than as descendants of the said Mary Williams.

The evidence further shows that all the applicants herein were born outside the limits of the Indian Territory, have never resided therein, and it does not appear that said applicants have been admitted to citizenship in the Cherokee Nation. The applicants can not be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore the opinion of this Commission that the application for the enrollment of Mary Williams, Fred Williams, Maggie Williams and Eddie Williams, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this AUG 25 1904

Cherokee freedmen
R 341

Muskogee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, rejecting the application for the enrollment of Mary, Fred, Maggie and Eddie Williams as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. V-23

Cherokee Freedmen
R 241

Muskogee, Indian Territory, August 26, 1904.

Mary Williams,

Evansville, Oklahoma.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor children, Fred, Maggie and Eddie Williams, as Cherokee freedmen, together with a copy of the Commission's decision dated August 25, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Encl. V-22

Register.

Cherokee Freedmen
E Sal

Muskogee, Indian Territory, August 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Mary Williams for the enrollment of herself and her minor children, Fred, Maggie and Eddie Williams, as Cherokee freedmen, together with the Commission's decision dated August 24, 1904, rejecting said application.

Respectfully,

Tams Bixby

Chairman.

Encl. V-24

Through the
Commissioner of Indian Affairs.

[illegible]

Refer to reply
to the Commissioner
and
[illegible]

DEPARTMENT OF THE INTERIOR,

BUREAU OF INDIAN AFFAIRS,

WASHINGTON, September 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the application for enrollment as Cherokee Freedmen by Mary Williams for herself and her three minor children, Fred, Maggie and Eddie Williams.

August 26, 1904, the Commission decided adversely to the applicants .

The record shows that the principal applicant, Mary Williams is the mother of the other applicants and that they possess no rights to enrollment other than as descendants of Mary Williams

The evidence further shows that all of the applicants were born outside of the Cherokee Nation and have never lived therein, nor are they identified or enrolled on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones
Commissioner

M.M.M.
W.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

October 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 24, 1904, you transmitted the record in the matter of the application of Mary Williams for the enrollment of herself and her three minor children, Fred, Maggie and Eddie Williams, as Cherokee freedmen, including your decision of August 25, 1904, rejecting said applicants.

Reporting in the matter September 8, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

Cherokee Freedmen
R-241

Muskogee, Indian Territory, October 24, 1904.

Mary Williams,

Evansville, Oklahoma Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated August 23, 1904, rejecting the application for the enrollment of yourself, and minor children, Fred, Maggie and Eddie Williams, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Tams Bixby.
Chairman.

[illegible]

[illegible] OF THE [illegible]

[illegible] TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
D 241

[illegible] Muskogee, Indian Territory, October [illegible], 1904.

Bell, Hastings and Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated August 25, 1904, rejecting the application for the enrollment of Mary, Fred, Maggie and Eddie Williams as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 1 1902
ACTING CHAIRMAN

[illegible]

CHEROKEE FREEDMEN

Date [illegible]

Post office [illegible]

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

2. Name of wife [illegible] Age [illegible]

Owners name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Names of Children

3. [illegible] Year Page No. Dist. 18

4. [illegible] B Year Page No. Dist. 15

5. [illegible] B Year Page No. Dist. 13

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

Chem. Fn R. 342

Trans Chem Fn. 35

Chem. Fn. R. 342

(1 2 7)

Before the Commission of the Five Civilized Tribes,

Sitting.

Comes now, Martha Washington, in her sickness and [illegible] and [illegible] the Honorable Commission of the Five Civilized Tribes in continuance and says what is her position before said commission and [illegible] the tribal roll [illegible], which after a hearing [illegible] in the power to cause the Department of the Interior and which requests said department to inform said commission that the [illegible] provisions of Article 13 of the Cherokee treaty of [illegible] 19, 1866, does not apply to freedmen who were formally slaves of the Cherokee citizens, and to order said commission to enroll as Cherokees entitled all persons who made application for such enrollment prior to September 1, 1902, and who have established the fact that they or their ancestors were formally slaves of Cherokee citizens and were liberated as such, and if born were residents in good faith in the Cherokee Nation prior to June 28, 1898, is considered and finally disposed of by said department.

Respectfully submitted.

(Signed) NEAL & LONDON,
Att'ys for Martha Washington .

Motion Denied, this March 7th, 1905.

(Signed) C. A. BRECKINRIDGE
Commissioner in Charge

INDORSEMENT.

FILED
MAR 7 1905.

Commission to Five Tribes.

[illegible] of the Evening
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 20th, 1902.

In the matter of the application of Martha Washington for the enrollment of herself as a Cherokee Freedman.

Appearances:
Applicant appears in person.
Cherokee nation by W. W. Hastings.

MARTHA WASHINGTON, being duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Martha Washington.
Q How old are you. A 59 years old.
Q What is your post office address? A Foreman.
Q Indian Territory? A Yes, sir.
Q In what district? A Sequoyah.
Q Do you apply for the enrollment of yourself as a Cherokee Freedman? A Why, I don't know what else.
Q Do you apply for any one besides yourself? A My boy. He is here.
Q How old is he? A 23.
Q Is he a Cherokee Freedman? A Yes, sir.
Q What is the name of your mother? A Rhoda.
Q Is she a Cherokee Freedman. A Yes sir.
Q Where were you born? A Born in Sequoyah.
Q How long have you lived there? A All my life. I went down south.
Q Did you go down south during the war? A Yes, sir; we went south.
Q When did you come back. I come back before they did. They come back in the spring.
Q How long have you been named Washington? A 14 years.
Q What was your name before it was Washington? A Williams.
Q How long were you named Williams. A I married the second year after the war.
Q How often have you been married? A Twice.
Q Have you ever been recognized by the tribal authorities of the Cherokee nation as a Freedman? A Did you draw any money.
Q I never drawed any money. I could of drawed money from the Wallace payment. Our names were taken down but we didn't draw.
Q Have you always lived outside of the Cherokee nation.
A I lived in the Choctaw Nation.
Q Have you ever lived outside of the Indian Territory? A Yes, sir.
Q How long? A 3 years, about.

Examination by Mr. Hastings.

Q Didn't you say this morning that you were in New York City?
A Why certainly. I won't tell no lie. You can't get me to tell any lie for the Cherokee nation.
Q How lojg did you say you stayed there? A Stayed nearly 9 years; been very nearly 10 years.
Q How long have you been back? A About a year.

1880 roll, census roll of 1896, Wallace and Kerwin-Clifton rolls of Cherokee Freedmen examined and the applicant is not identified thereon.

[illegible] application for the enrollment of herself as a Freedman [illegible] She is not identified with any of the tribal rolls in the possession of the Commission. It further appears that for a period of 5 years up to about one year ago she had not resided in the Indian Territory.

The application comes within the provisions of the temporary injunction recently granted by Judge Gill of the United States court for the northern district of Indian Territory, and under the provisions of said injunction this Commission is without authority to receive consider or make any report of her application.

Jesse O. Carr, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) Jesse O. Carr.

Subscribed and sworn to before me this 12 day of July, 1902.

(signed) P. G. Reuter
(S E A L) Notary Public.

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I, Lola Mann, a stenographer to the Commission to the Five Civilized Tribes, hereby certify that the above is a true and correct copy of the original now on file with the Commission.

Lola Mann

Subscribed and sworn to before me this 1st day of March, 1905.

[illegible]
Notary Public.

NMJS
C.FR-342

FILED
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DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 16th, 1906.

In the matter of the application of Ulysses Grant Williams for the enrollment of himself as a Cherokee Freedman.

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

ULYSES GRANT WILLIAMS, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Ulysses Grant Williams.
Q. How old are you? A. 21.
Q. What is your post office address? A. Foreman.
Q. Indian Territory? A. Yes, sir.
Q. In what district? A. Sequoyah.
Q. Do you make application for enrollment as a Cherokee Freedman?
A. Yes, sir.
Q. Do you apply for any one besides yourself? A. No, sir.
Q. What is the name of your father? A. Dan Williams.
Q. Is he living or dead? A. Dead.
Q. What is the name of your mother? A. Martha Washington
Q. Is she living? A. Yes, sir.
Q. Is your father a Cherokee Freedman or state man? He was a state man wasn't he? A. Yes, sir.
Q. Where were you born? A. Sequoyah.
Q. How long did you live there after your birth? A. I lived there until I was about 12 years old.
Q. Then where did you go? A. New York City.
Q. When did you come back from New York City? A. Last June, a year ago.
Q. Have you ever been recognized by the tribal authorities of the Cherokee nation as a citizen? Have you ever drawn any money?
A. No, sir.
Q. Have you ever been enrolled? A. Yes, sir.
Q. When? A. Wallace payment.
Q. Did you draw money then? A. No, sir.
Q. You couldn't have been enrolled? A. (no response.)

The roll of 1880, census roll of 1896, Kerwin & Clifton and Wallace roll of Cherokee Freedmen examined and the name of the applicant does not appear thereon.

Ulysses G. Williams applies for the enrollment of himself as a Cherokee Freedman. He is not identified upon any of the tribal rolls now in the possession of the commission and it appears that for the past 9 years, up untill one year ago he has not resided in the Indian Territory. This application comes within the provisions of the temporary injunction recently granted by Judge Gill of the United States court for the northern district of Indian Territory and under the provisions of said injunction this commission is without authorities to receive, consider or make any record of his application.

[illegible] being first duly sworn, states that he is [illegible] of the Defendants in the Five Civil Suits herein, he carefully examined the testimony and proceedings in said cases and that the foregoing is a true and correct transcript of the stenographic notes taken thereof.

Subscribed and sworn to before me this [illegible] day of July, 1956.

Notary Public

Cherokee Freedmen R-245

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 17, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Ulysses G. Williams, as a Cherokee Freedman.

On October 12, 1904, the applicant was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Ulysses G. Williams as a Cherokee freedman, would be taken up by the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, on the 17th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this 17th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H.M.Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of November 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 15 day of December 1904

(Frank E. Harrison)

Notary Public.

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CLERK OF THE SUPREME COURT

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DEC 5 1904
CLERK OF THE SUPREME COURT

Cherokee Freedmen R-941.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 17, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Martha Washington as a Cherokee Freedman.

It appears that on the 12th day of October, 1904, the applicant and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on November 17, 1904, and introduce testimony touching the points mentioned in said letter, at which time this case would be taken up for final consideration.

APPEARANCES:
Applicant appears by her attorneys, Neal A London.
Cherokee Nation by attorney, W. W. Hastings.

ARAMINTA PACK, being duly sworn, testifies as follows:

BY MR. LONDON:
Q What is your name? A Araminta Peak.
Q What is your age? A Sixty-one.
Q What is your postoffice address? A Muldrow, Indian Territory.
Q Are you a Cherokee Indian by blood? A Yes,sir.
Q Was your father a Cherokee Indian by blood? A Yes,sir.
Q Did you, or your family, own a negro woman before the war, whose present name is Martha Washington? A Yes,sir
Q Did you take her out south during the war A Yes,sir.
Q Did you bring her back? A Yes,sir.
Q You set her free did you? A Yes,sir, we set her free, my family did.
Q At what point did you set her free? A Not very far from Spiro, old Scullyville, Choctaw Nation.
Q How old was this woman at that time? A I don't know how old she was.
Q She was just a girl? A She was a young woman, I don't know exactly.
Q Where did she go when you set her free? A She went down a about Fort Smith.
Q Mrs. Pack, did you ever see her at any time soon after you set her free, in the Cherokee Nation? A Yes,sir, she came to my house and stayed all night.
Q What was she doing when she was at your house?
A Hunting work, she said.
Q Do you know if she had any parents or relations at that time?
A She never had, down there, she had a mother but she was at Fort Scott.
Q She is a sister of Zack Foreman? A Yes,sir.
Q Well, do you know where she went to from your house? A She went back to Fort Smith.
Q Did she afterwards move into the Indian Territory? A Yes,sir after a while. I don't know how many years, she moved back and lived in here.
Q That was after she married? A Yes,sir.

Q Do you know if she was in a condition to be forced to work for a living after the war? A I guess she was, she had nothing.

By Chairman:

Q Everybody, both white and black, had to work for a living in here after the war, didn't they? A Yes,sir, indeed they did. I know so did.

Q Did you yourself, or your family own this house? A My father.
Q Were you married at this time? A Yes,sir.
Q Was this negro woman the mother of any children before the war?
A No,sir.
Q Do you know how many afts years she was married?
A Must have been about '65 or '67 .
Q Where did she marry? A Down about Fort Smith.
Q She was working when she came over to visit you?
A She came hunting g ery, and wanted to know i. I knew her folks. I told her there wasn't none of them there.
Q Then she went back? A Yes,sir, and then afterwards she came over again and went off there where some other colored folks was living.
Q But she was living at Fort Smith at this time? A Yes,sir.
Q You have lived right in the neighborhood of Muldrow, this side of the river from Fort Smith, ever since the war?
A Yes,sir
Q How many years after the war was it before this woman came back there to live? A It wasn't more than two or three years—two years anyhow, she came back to live, and lived there all the time until they all started to Africa that time.
Q About how long did she stay there before she started to Africa?
A Oh, about ten or fifteen years, maybe more.
Q They started to Africa, did they? A Yes,sir
Q How long were they gone on that trip?
A Let me tell you now, first, her first man she lived with, he died down here by Ft. Smith, then she married again, two or three years after that, and her and her old man they started to Africa, and she left her children all back here.
Q But I am asking you how long she was gone? A I don't know how long she was gone, six or seven years, 7 or 8.
Q Do you know where she went? A She went to New York.
Q Was her husband with her? A No, he went on to Africa, and left her in New York, and then she came back here.
Q The first time you saw her she just come over here on a visit, hunting her folks? A Yes,sir
Q How long was that after the war? A About a year after I moved back home.
Q When did you move back home? A In '65.
Q In '65? A In the fall of '65
Q Have you any way of placing the exact time when this woman came over here on a visit hunting her folks?
A No, I haven't
Q These people have never been recognized as citizens?
A This woman has not.
Q You have lived there all the time since then?
A Yes, sir.
Q Forty years has been a long time for people to remember the exact year ? A Yes, if people did not pay any attention to it
Q You wouldn't undertake to say the exact time she came over there
A Well,- no, sir.
Q You might miss it two or three years?
A I might not miss it more than six months.
Q You have got nothing by which you can exactly measure time?
A No, sir.

Q It may have been as late as '67 or '68 when she was there?
A No, it was not that late
Q How do you fix the date of this transaction when it was forty years ago, and you had nothing to impress it?
A Well, I know it wasn't that long. I know it was not that much because I know I had not been living there more that a year anyway when she came.
Q Where was she living then? A She wasn't living anywhere, she was hired out.
Q She went back to Fort Smith? A Yes,sir.
Q Then she never moved to the Cherokee Nation till some three or four years after the war? A No, sir.
Q When did you first see her living in the Cherokee Nation, three or four years afterwards? A It wasn't three or four years, two or three years, I said.
Q Did this woman marry in Fort Smith? A She married over there somewhere ; I don't know whether in Fort Smith or in the Choctaw Nation.
Q What was her first husband named? A Daniel Williams
Q Do you know when she married him? A No, sir
Q Do you know whether she was married to him when she first came over here? A I think she wasn't when she first came and staid all night.
Q But do you know? A She said she wasn't.
Q Was she married when she first moved up there? A Yes, she was married then.
Q How long has this woman been back from New York City?
A She has not been back very long, six or seven years.
Q Five or six years? A Six or seven.
Q When did she go to New York? A I don't know exactly, You know as much about that as I do, Mr. Hastings, that time the negroes all started to go to Africa, that time.
Q It is pretty hard to remember these dates? A Yes, sir, it is, I didn't care at all when they went you know.
Q And you are not going to be positive about dates forty years ago, are you? A No, sir, I aint.
Q She was married when she moved over into the Cherokee Nation?
A Yes, sir, I said that once or twice.
Q Where did she first live when she moved over here?
A Don on this side the river, not far from Fort Coffee
Q How far is that from Fort Smith? A I don't know how far it is
Q Near what present town? A Well, about fifteen or twenty miles from Fort Smith.
Q Near what present town? A Redlands.
Q She moved right near Redlands? A Yes,sir.
Q In what direction from where Redlands now is did she first move. A It is northeast.
Q How far? A About a mile, or a little over a mile.
Q There is where she first settled when she moved back to the Cherokee Nation? A Yes,sir, and they lived there until they started to Africa.

BY COMMISSION:
Q Did this woman live with you down south during the war?
A No, sir, she lived with my father
Q Near to where you lived? A Yes,sir

Q What time did you leave the south returning to the Cherokee Nation after the war? A We never went to Texas; we went to the Choctaw Nation, and we came back in the fall of '66,--or ' 64.
Q After the surrender? A Yes,sir.
Q And this woman came along with your crowd? A Yes sir.
Q Where did you come to? A We came to old Doullyville, in the Choctaw Nation.
Q How long did you stay there? A We stayed there that summer and made a crop.
Q And that was the summer of '66? A Yes,sir, and that fall we moved over on this side of the river
Q Whereabouts in the Cherokee Nation did you locate?
A Well, about four miles from Fort Smith, this side the river.
Q Did you bring Martha Washington into the Cherokee Nation with you? A No, sir.
Q Where did you leave her? A She left us right there at old Doullyville, Choctaw Nation.
Q You don't know where she went , of your own knowledge?
A She said she went to Fort Smith.
Q Where did you next see her? A Well, after we done moved, and she came to my house and stayed all night.
Q Now, how long was it after you came to the Cherokee Nation until this woman came over to your house, to your best knowledge.
A Must have been a year or a year and a half, the first time she came.
Q About a year and a half? A To the best of my knowledge
Q Did she just remain all night wit you? A Just all night.
Q And then where did she xg go? A Went back to Fort Smith
Q And the next time you saw her was how many years after that?
A Was not long, two or three.
Q Two or three years afterward? A Yes,sir.
Q Where did you see her that time? A She came right to my house again, and came down by the river hunting some of her folks.
Q Did she remove to the Cherokee Nation at that time?
A No, she did not move that time, but she moved right afterwards, She went back then and she moved right after that.
Q And she lived in the Cherokee Nation then, did she, continuously, until she started to Africa, as you said? A Yes,sir
Q Can you give the Commission any idea as to the number of years she was gone on that trip? No, I cannot.
Q Do you think it was as much as ten years? A I do not know, I can't say, it may have been ten or more, and may not have been so much.
Q You say your father was a Cherokee Indian by blood?
A Yes,sir.

BY MR. LONDON:
Q The first time that Martha came to your house after the war, did she say she was hunting work or for her folks?
A She was hunting work.
Q How long had you been living in the Cherokee Nation when she came there hunting work? A About a year and a half.
Q You made one crop in the Choctaw Nation? A Yes,sir
Q What year was that crop made? A In '65.
Q Do you know what t me of the year it was that she came to your house the first time? A Along in the Spring.

Q You don't know how long she had been married when she moved into the Cherokee Nation? A No, sir, I can't.

BY W. V. MAGUIRE:

Q Now, Mrs. Pack, you know the war did not close until '65 wasn't it in '64 you made a crop in the Cherokee Nation?

A Way as soon as peace was made we came on over to the Cherokee Nation and made a crop there.

Q Was that in '65? A No, sir, in '66

Q Where were you in '65? A Over on this side of the river

Q What time of the year did you move over on this side of the river? A In the fall.

Q Fall of '65? A Yes, sir. Now, we made a crop over there in '66, and we moved over to the Cherokee Nation that same fall, sometime.

Q And it was about a year and a half after you moved back when you saw this woman? A Yes sir.

Q And you saw her in the Spring? A Yes, sir.

Q April or May? A I don't know, I know it was in the Spring.

Q What month? A I don't know.

Q You are not certain about the years? A Yes, we made a crop in '66 I know.

Q Where did you make a crop in '65? A In the river bottom.

Q In the Cherokee Nation? A In the Cherokee Nation, sir.

BY COMMISSION:

Q Mrs. Pack, can't you give me an idea of the month of the year when she was at your house the first time? A No, sir, that is just what we was talking about.

Q Well, was it warm or cold? A Well, we had crops planted.

Q What time do you plant crops, earlier than May? A Yes, in April, plant corn in April, cotton in May.

Q Then you think it was probably May or April? A I don't know; April or May.

Q Not earlier than April? A No, it wasn't.

Q Because you had your crops planted? Is that your reason for saying that? A Yes, sir, we had crop planted.

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Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tri es she correctly recorded the testimony and proceedings in this case, and that the above and foregoing is a full true and correct transcript of her stenographic notes therein.

Lucy M. Bowman

Subscribed and sworn to before me this 22 day of April 1904

Charles H. Lawyer

RECEIVED
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CONGRESSIONAL RESEARCH SERVICE

Cherokee Freedmen D-143

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 23, 1906.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Martha Washington as a Cherokee Freedman.

APPEARANCES:
No appearance for Applicant.
Cherokee Nation by W. W. Hastings.

JOHN R. GUNTER being duly sworn, testifies as follows:

BY W. W. HASTINGS:
Q What is your name? A John R. Gunter.
Q What is your age? A Fifty-eight
Q What is your postoffice? A Muldrow.
Q Are you a Cherokee by blood? A Yes,sir.
Q What was your father's name? A George Gunter.
Q Did your family own a colored woman by the name of Martha, at the commencement of the war? A Yes,sir .
Q Do you know whether or not she goes by the name of Martha Washington at the present time? A Yes, I understand so.
Q You are a brother of Mrs. Pack? A Yes,sir.
Q Did you take this colored woman out during the war?
A Yes sir, taken her out on the Red River, Choctaw Nation.
Q Were you in the army? A Yes,sir.
Q Did you come back with your folks after the war? A Yes,sir I did.
Q Was your sister, Mrs. Pack, along? A Yes sir, she was.
Q Where were you in the year 1865? A 1865? I was out near Red River, the latter part of '65.
Q When did you start back to the Cherokee Nation? A In the fall of '65
Q Where did you come to? A We come to near Soulleyville, in the Choctaw Nation..
Q How long did you remain? A About a year, until the fall of 1866.
Q Where did you go in the fall of 1866? A We came across the river into the Cherokee Nation.
Q Was your father still living? A Yes,sir.
Q When did he die? A He died the 27th day of January, '68.
Q Are you certain that you did not come back to the Cherokee Nation until the fall of '66? A Yes, that's right.
Q And Mrs. Pack came with you? A Yes.
Q And you took Martha Washington out with you you say, did she come back with you to the Cherokee Nation?
A No, at Soulleyville she left us.
Q Was that in the Choctaw Nation? A Yes,sir.
Q How long after that was it before you saw her? A Must have been seven or eight years, perhaps longer.
Q How far up the River from Fort Smith did you live after the war?
A They called it eighteen miles.
Q How far did you locate from where Mrs. Pack stopped?
A I think she was five miles from Fort Smith.

Q Did you have frequent occasion to go to Fort Smith, back and forth? A Yes,sir.
Q That was about your only trading point at that time? A Yes,sir
Q Were you acquainted with everybody up and down the river between your home and Fort Smith? A I was acquainted with a good many along there.
Q You say you never saw this woman for seven or eight years?
A No, I did not.
Q Was she married at that time? A When I saw her she was married and had several children.
Q Do you know where she was married? A No I don't know.-- Only from hearsay, of course.
Q Where, from hearsay? A I heard she was married in Fort Smith.
Q Fort Smith, Arkansas? A Yes, Arkansas.
Q Before that did you ever hear of her living or being in the Cherokee Nation after the war? A No, I never heard of her.
Q Do you think it probable that she lived in the Cherokee Nation on this side of the river from Fort Smith, and you not know it, in view of the fact that that was your trading point, and that you went up and down frequently, and you not known it? A No, I don't think she could.
Q You made inquiries after your old slaves much after the same fashion as the members of your families, and heard of them from time to time, didn't you? A Well, we could hear of them.
Q You talked about them and inquired about them more or less?
A Yes, we talked about them.
Q Where did Martha Washington first settle in the Cherokee Nation after the war? A She settled down there near Redlands. I reckon it was two miles and a half from where my father lived.
Q How far from where you lived? A About two and a half miles I say.
Q Did she just come in then, when she settled there? A Yes, she had just come in.
Q Has she ever been recognized as a citizen down there in that country? A No.
Q Now, Judge, you have held about all the offices that can be held down in Sequoyah District, haven't you?
A I guess I have, I have been Clerk, Sheriff and member of the Senate.
Q How many times in the Senate? A About three times, and I served two terms on the Citizenship Commission.
Q On the Adair Court? A On the Adair Court and the Ross Court.
Q And a member of the Cherokee Supreme Court? A Yes, I was two years on that, and I served four years as Sheriff, and I thbnk I knew every house in that District, because sometimes I would have as high as eleven prisoners under arrest, and I would have to have guards and police you know. I remember a circumstance that happened once, I was after a man for juryman, and I got to inquiring where he lived, and they told me a certain place in the mountains, and I said "That's one place I haven't visited, one place I didn't know there was a house there", and when I went there it was a new house just built.
Q You mean to say you were thoroughly acquainted in the District?
A Yes,sir, I was.
Q Sequoyah is a small District? A Yes,sir.

Q And during these years you visited from house to house?
A Yes, sir.
Q Andyou never heard of this woman being in the Cherokee Nation for seven or eight years? A No, sir, I did not, and I knew

and I knew every man in the District, because I registered their names, and I knew just how they were going to vote.

BY CONTINUING:

Q What was the first office you held in Sequoyah district after the war? A Clerk of the District Court.

Q When were you sheriff first? A First, I think it was '78 or '80.

Q You think it was seven or eight years after you returned that before you saw this Martha Washington? A Yes, seven or eight.

Q Where did you see her? A I saw her about two and a half miles this side of where my father lived.

Q In Sequoyah District? A Yes, sir.

Q Near Fort Smith? A About eighteen miles from there.

Q Did you have a talk with her? A I don't remember.

Q You don't remember whether she told you where she was living?

A No, I don't remember.

Q She never did talk with you concerning where she went after she left you at Scullyville? A I don't believe I ever talked with her about that. I would hear of her beings in Fort Smith.

Q When did she first come to the Cherokee nation to live, at that time when you first saw her? A Well, that was the first time I saw her.

Q Was she living here then? A Yes, she claimed she lived there then; had just come in.

Q How far did you live from Redlands when you first came back?

A About a mile and a half I reckon.

Q You are well acquainted with the people up there?

A Yes, sir, I am.

Q Now, when did Martha Washington first come in that neighborhood to live. A I can not say that, it was seven or eight years when I first saw her.

Q When you first saw her in Sequoyah District? Had she just come there to live? A Yes, I think so. So far as I know.

Q It was your understanding she had just come in? A Yes.

Q And did you continue knowing her after that? A Yes, all the way up. She lived right there until her husband sold out. Her first husband, Williams died and she married Washington, and they started to Africa, ~~and got as~~ far a New York, and she remained there quite awhile, then she came back down there.

Q Could she have lived in the vicinity of Redlands immediately after the war closed, say in the fall or winter of '66, from then up, without you knowing it? A No, I don't think she could, not in these.

Q You think if she had been in that vicinity you would have known it. A Yes, I do.

Q Has it been your understanding that she lived in Fort Scott prior to coming to Sequoyah District. A Yes.

Q That what you got from general understanding? A Yes.

Q But you never talked to her about that? A No, I don't think I ever did.

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Lucy M. Bowman, being under oath, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings and testimony had in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 8 day of December, 1904

Clement D. Lamson

Notary Public.

A.F.Ec.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Washington et al., as Cherokee freedmen, consolidating the applications of:

Martha Washington,	Cherokee Freedmen R 343
Daniel Williams,	Cherokee Freedmen R 41
Ulysses Grant Williams,	Cherokee Freedmen R 342

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Martha Washington for herself; by Daniel Williams for himself; and by Ulysses Grant Williams for himself.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Martha Washington, claims the right to enrollment as a Cherokee freedman by virtue of having complied with the provisions of Article IX, treaty of 1866, and that the other applicants herein claim as her descendants.

In support of her application the principal applicant testified on June 30, 1902, that she was fifty-nine years old, was born in Sequoyah District, Cherokee Nation, and lived therein all her life except during the war, when she went south. Further on she testified that she lived in the Cherokee Nation all her life except about three years spent in the Choctaw Nation, but on cross-examination, admits that she lived in New York City about nine years next before one year prior to filing her application for enrollment. (Testimony of her son, Ulysses Grant Williams, taken on same date shows that his mother returned to the Cherokee Nation in June, 1901). The principal applicant further testifies that she has been twice married, the first time to one (Dan) Williams, and the second time to one Washington,

and that she has never been recognized as a citizen of the Cherokee Nation by the Cherokee tribal authorities.

On behalf of the principal applicant, Araminta Pack, on November 17, 1904, testified that she was sixty-one years old, is a Cherokee by blood, and lives at Muldrow, Sequoyah District, Cherokee Nation, that her father was a Cherokee by blood, and owned the principal applicant at the commencement of the rebellion, that the principal applicant was taken by her (the witness's) family, to the Choctaw Nation during the war, and brought back to Scullyville, Choctaw Nation, after peace was declared in 1866, where she was liberated, and went to Fort Smith, Arkansas; that witness's family made a crop in the Choctaw Nation during the year 1865, and in the fall of that year, removed across the river to the Cherokee Nation, that about one and one-half years later, the principal applicant came to her house looking for work, remained over night, and returned to Fort Smith, where she was at that time living, and that several years later she, with her husband, removed to the Cherokee Nation and continuously resided therein until she started to Africa, some years later. On Cross-examination this witness is positive that she did not see the principal applicant in the Cherokee Nation prior to April, 1867.

On behalf of the Cherokee Nation, John E. Gunter, on November 23, 1904, testified that he was fifty-eight years old, lives at Muldrow, Sequoyah District, Cherokee Nation, is a Cherokee by blood, and is a brother of the applicant's witness, Araminta Pack; that the principal applicant was the slave of his father at the commencement of, and was taken to Red River, Choctaw Nation, during, the rebellion, where they remained until the fall of 1865, when they returned to Scullyville, Choctaw Nation, where the principal applicant was liberated and left the family; that the witness and family remained at Scullyville until the fall of 1866, when they removed across the river to the Cherokee Nation; that seven or eight years later, he first saw the applicant and her first husband in the Cherokee Nation, that they had just removed there from Fort Smith, Arkansas, and that they continuously resided therein for several years, when said principal applicant and her second husband left for Africa. Witness further testified that in going from his home to Fort Smith, Arkansas, his trading point, he frequently passed the place where the principal applicant afterwards located, and that by reason of holding numerous official positions under the Cherokee government, which, to secure, required a thorough canvas of the voters, he was acquainted with every family in his (Sequoyah) District, and that he is positive that this applicant and her family were not living in Sequoyah District, Cherokee Nation, prior to the time above indicated.

On April 10, 1901, Daniel Williams, in support of his application for enrollment as a Cherokee freedman, testified that he was twenty-five years old, is a son of the principal applicant, Martha Washington, and one Dan Williams, deceased, who was a non-citizen of the Cherokee Nation; and

On June 30, 1902, Ulysses Grant Williams in support of

his application for enrollment as a Cherokee Freedman, testified that he was twenty-three years old, and is a son of the principal applicant, Martha Washington, and one Dan Williams, deceased, who was a non-citizen of the Cherokee Nation.

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the principal applicant, Martha Washington, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish her residence therein within the time specified in the Whitmire decree; and that the applicants Daniel and Ulysses Grant Williams, were born since the close of the rebellion, are children of the applicant Martha Washington and possess no rights to Cherokee Freedman citizenship other than as her descendants.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Martha Washington, Daniel Williams and Ulysses Grant Williams are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby,

Commissioner.

Dated at Muskogee, Indian Territory,

this Feb 19 1906.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] Freedman
[illegible]

[illegible], Indian Territory, July 7, 1904

[illegible] Commission,

[illegible], Indian Territory.

Gentlemen:

In the matter of your application for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion, whether or not you returned to the Cherokee Nation after the war within the time allowed in the Treaty of 1866, and as to your residence since that time.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and introduce testimony as above indicated.

Respectfully,

Register

Commissioner in Charge

(Receipt acknowledged July 11-1904)

Cherokee Freedmen

R-341.

Muskogee, Indian Territory, July 1, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of [illegible] for enrollment as a Cherokee Freedman R-341, [illegible] mentioned was before the Commission for [illegible] a final decision in this case it will be necessary that further testimony be introduced touching the question whether or not the claimant was the slave of a Cherokee citizen at the commencement of the war of the rebellion, whether or not she returned to the Cherokee Nation within the time allowed in the Treaty of 1866, and as to her residence since that time.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and give testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

[illegible]

Cherokee [illegible]
[illegible]

Muskogee, Indian Territory, August [illegible], 1904

Ulysses [illegible] Williams,

[illegible], Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show whether or not your mother was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and whether or not she returned to the Cherokee Nation after the war within the time allowed in the treaty of 1866. It is also desired that you offer testimony as to your residence within the Cherokee Nation since birth.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, September 13, 1904, and introduce testimony as above indicated.

Respectfully,

Register.

Commissioner in Charge

(Receipt acknowledged Aug. 25, 1904)
(Ulusses S. Williams--Martha Washington)
U

COPY

Case Dismissed
[illegible]

Muskogee, Indian Territory, August 8, 1904

Martha Washington

Foreman, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a freedman you are advised that before the Commission can render a final decision in your case it will be necessary that further testimony be introduced tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion; whether or not you returned to the Cherokee Nation after the war within the time allowed in the Treaty of 1866, and as to your residence since that time.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M. on Wednesday, September 14, 1904, and introduce testimony as above indicated.

Respectfully,

Register

Commissioner in Charge

Receipt acknowledged Aug. 25, 1904)

Cherokee Department
[illegible]

Muskogee, Indian Territory, [illegible] 1904

Ulysses [illegible] Williams,

[illegible] Germany, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can act on a final decision in this case, it will be necessary that further testimony be introduced tending to show whether your mother was a slave of a Cherokee citizen at the commencement of the war of the rebellion; and whether or not she returned to the Cherokee Nation within the time specified in the treaty of 1866. It is also desired that you offer testimony as to your residence in the Cherokee nation since birth.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, November 17, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Register

(Signed) T. B. NEEDLES
Commissioner in Charge

(Receipt acknowledged Nov. 1, 1904)
Ulysses Williams--Martha Washington)

[illegible]

Cherokee Freedman
[illegible]

Muskogee, Indian Territory, [illegible] 1904.

Martha [illegible],
Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion, whether or not you returned to the Cherokee Nation after the war within the time specified in the treaty of 1866, and as to your residence since that time.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, November 17, 1904, to introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

(Signed) T. B. NEEDLES

Commissioner in Charge

Register

(Receipt acknowledged)
(Nov. 7, 1904)

[illegible]

[illegible]

[illegible], [illegible], [illegible]

[illegible] & [illegible],

Attorneys for Martha [illegible],

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of [illegible] 7, asking to be furnished with a copy of the record of proceedings had in the matter of the application for the enrollment of Martha Bankington, as a Cherokee freedman.

In compliance with your request there is herewith inclosed a copy of the testimony heretofore taken in the Matter of said application, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully

(Signed) TAMS BIXBY
Chairman

Incl. C-45

November 22, 1904.

Sarvina Williams, et al., Cherokee Freedmen D-1973.

Calvin Dean, et al., Cherokee Freedmen D-[illegible].

November 22, 1904.

Charlotte Davis, et al., Cherokee Freedmen D-[illegible].

November 23, 1904.

Eliza Robinson, Cherokee Freedmen D-181.

Ella Fairchild, et al., Cherokee Freedmen D-328.

November 17, 1904.

Charley Rowland, et al., Cherokee Freedmen D-[illegible].

Respectfully,

Tams Bixby.

Chairman.

Encl. 19, CC.

[illegible]

[illegible] Freedman

[illegible], Indian Territory, [illegible] 21, 19[illegible]

[illegible], Attorney for

Martha Washington,

Fort Smith, Arkansas.

Dear Sir:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory, on November 21, 19[illegible], in the matter of the application for the enrollment of Martha Washington as a Cherokee Freedman, together with a blank receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

(Signed) TAMS BIXBY
Chairman

Encl. CG-31

Muskogee, Indian Territory, December 16, 1904.

Reid, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental proceedings had in the following Cherokee Freedman Enrollment Cases on the date indicated.

November 15, 1904.

Edward Blackhead, Cherokee Freedman D-[illegible].

Jackie Ann Markham, et al., Cherokee Freedman D-[illegible].

November 17, 1904.

Martha Washington, Cherokee Freedman D-[illegible].

November 18, 1904.

Eliza A. Arnold, Cherokee Freedman D-[illegible].

Rachael Graves, Cherokee Freedman D-[illegible].

John Lynch, Cherokee Freedman D-[illegible].

Mary Gunter, et al., Cherokee Freedman D-[illegible].

George Amos Mayfield, et al., Cherokee Freedman D-[illegible].

November 19, 1904.

Daniel Roach, et al., Cherokee Freedman [illegible].

November [illegible], 1904.

Louis Rogers, et al., Cherokee Freedman D-[illegible].

[illegible]

Cherokee Freedmen
[illegible]

Muskogee, Indian Territory, February [illegible], 1905

Dear Sir:

Attorneys for Martha Washington
Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of February [illegible], transmitting notice to introduce further testimony in the matter of the application for the enrollment of Martha Washington as a Cherokee freedman.

In reply you are advised that the applicant will be permitted to appear before the Commission at its office in Muskogee, Indian Territory, at nine o'clock A.M. on Monday March 6, 1905, and introduce further testimony in the matter of her said application. You are further advised that the representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting the right to enrollment of the said Martha Washington.

Respectfully,

(Signed) TAMS BIXBY,
Chairman

Cherokee Freedmen

D-908.

Muskogee, Indian Territory, February 16, 1905.

Dell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that upon motion of Veal & Lemon, Fort Smith, Arkansas, attorneys for Martha Washington, the application for her enrollment as a Cherokee freedman will be taken up for further hearing by the Commission at its office in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 6, 1905.

On said date you may, if you desire, appear before the Commission when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Muskogee, Indian Territory, Feb 6, 1902

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in the matter of the

application of Martha Washington CR 242

Neal & Lambert
Attorney for Applicant.

Cherokee
F R 845 et al.

Muskogee, Indian Territory, February 19, 1906.

Neal & London,

Attorneys for Martha Washington, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in these cases.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Wm O Beall

Acting Commissioner

Incl. GL-101.
GHL

Muskogee, Indian Territory, February 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting said applications.

Respectfully,

W. O. Beall
Acting Commissioner.

Inc. GL-103.
GHL

Through the Commissioner
of Indian Affairs.

Cherokee
F S 243 et al.

Muskogee, Indian Territory, February 19, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams, as Cherokee freedmen.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Acting Commissioner.

Incl. GL-102.
GHL

Cherokee
F R 548

Muskogee, Indian Territory, February 19, 1906.

Ulysses G. Williams,

Foreman, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. Your attorneys, Neal & Lemdon, Fort Smith, Arkansas, have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Wm O Beall
Acting Commissioner.

Incl. GL-100.
GHL

REGISTER.

-SECT-

DEPARTMENT OF THE INTERIOR,

LAND:
17400-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

May 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated February 19, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Martha Washington for herself; by Daniel Williams for himself; and by Ulysses Grant Williams for himself.

February 19, 1906, the Commissioner decided adversely to all the applicants.

The record shows that the principal applicant, Martha Washington, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, and did not return thereto and establish a residence therein on or before February 11, 1867; that the other applicants are children of Martha Washington, born since the close of the war, and possess no rights to Cherokee citizenship other than as her descendants.

In view of the record the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully,

MMM

C. F. Larrabee

Acting Commissioner.

-Copy- G.R.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

D. C. 22790
I. T. D. 9042-1906.

May 21, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of May 17, 1906, your decision of February 19, 1906, denying the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams as Cherokee freedmen, is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
R 348

Muskogee, Indian Territory, June 12, 1906.

Ulysses G. Williams,
Foreman, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 19, 1906, rejecting among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior May 31, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.P-27
MMP

Cherokee Freedmen
D 545.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 18, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications of Martha Washington, Ulysses G. and Daniel Williams, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith copy of Departmental Decision referred to.

Respectfully,

Encl. A-29.
M.A.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 30 1902
ACTING CHAIRMAN

Department of Immigration

CHEROKEE PROBATE

Date [illegible]

Post Office [illegible]

Enrolled [illegible]

1. Name [illegible] Age [illegible]

Given name [illegible] Citizenship

Year ..... Page ..... No. ..... District .....

Parents:

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

2. Name of child ..... Age .....

Given name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer .....

Chem. Fr. R. 343

Trans. Chem. Fr. 36

Chem. Fr. R. 343

[illegible] OF THE INTERIOR,

[illegible] FIVE CIVILIZED TRIBES,

[illegible], I. T.

In the matter of the application of [illegible] Hamilton, et al., [illegible] to Chickasaw Freedmen.

MOTION TO RE-OPEN CASE AND INTERPLEAD [illegible] TO TESTIMONY.

[illegible] Hamilton, and [illegible] filed, and for grounds thereof states and [illegible] was, to-wit;

That she being an invalid and unable to appear further in person before the Commission to the Five Civilized Tribes, did file about the 23rd of November, 1904, with the Commission to the Five Civilized Tribes a written petition for enrollment; that she was a poor person, and at that time unable to procure the attendance of her witnesses in Muskogee, they living outside of the Indian Territory, to-wit ; in the City of Van Buren, Arkansas, and it being impossible to procure their attendance in person at that time, she prepared and filed, about that date, her application to have the testimony of her witnesses taken upon interrogatories, a copy of which interrogatories, together with petition for commission to take the ~~[illegible]~~ witness same, showing service by the constable for the Muskogee division, is hereto attached and made a part of this petition;

That her application to take testimony upon interrogatories was refused and unallowed by the Commission to the

Five Civilized Tribes, and she, acting upon the advice of her attorney, arranged to procure the attendance of the witnesses for whom she has asked a subpoena to aid petitioner. That she had been all the circumstances possible for her to see in the matter, and was thwarted in her witnesses in Muskogee since the 1st day of February when she was notified by her counsel that her case had been passed upon, and that it would not be necessary for her witnesses to appear upon that date.

Petitioner submits that in this behalf a great injustice has been done her, that she will be able to prove by her said witnesses, provided she is allowed to introduce further testimony, that at the beginning of the war of rebellion she was owned by George Gunter, a Cherokee Indian by blood, and that soon after the war broke out she was removed by her owners South to Red River, that she can prove this fact by the Rev. Samuel White, of Van Buren, Ark., and by the same witness she will be able to prove that some time during the summer or fall of 1865 that she returned from the South, and in the month of May of 1866 she was married by this witness to a man by the name of Williams, and shortly after the marriage returned to the Cherokee Nation, Indian Territory, where she and her husband made a crop that year, and that in the fall of 1866 this witness organized a church at a place then called Jacktown in the Cherokee Nation; that this applicant, Martha Washington, was a member of his church there at that time; that he has seen her at frequent intervals since that time, and that her residence has been in the Cherokee Nation, Indian Territory, except for a short time when she was away with her husband trying to persuade him to give up his Liberian trip, but when her husband departed to Liberia she returned again to the Cherokee Nation where she has since resided; that she will be able to prove the same facts by Green Bean; that these two witnesses, by

nature of their position as witnesses of the ground, one place of sojourns in the neighborhood where the deceased lived in 1889 and 1890, and where she has since resided, and by virtue of their position as ministers preaching to the slaves immediately before the surgeon been well acquainted with all the facts relative to the life of this petitioner since she was a small girl.

In support of this motion the affidavits of the witnesses, Samuel White and Brown Bean, are hereto attached and made a part of this motion.

_____
Attorneys for Applicant.

I, Martha Washington, on my oath state that the matter and facts set out in the above and foregoing petition are true and correct to the best of my knowledge and belief.

_____

Subscribed and sworn to before me on this the ____ day of _____, 1905.

_____
Notary public.

My commission expires on the ___ day of _____, 190__.

Note- Martha Washington has sworn to the petition hereto attached and made a part hereof
M & L

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, I. T.

In the matter of the application of Martha Washington, et al., for enrollment as Cherokee Freedmen.

AFFIDAVIT IN SUPPORT OF PETITION TO REOPEN CASE.

EXHIBIT "A".

Comes now Green Bean, and on his oath states that he is about 69 years of age; that he has been acquainted with Martha Washington, petitioner herein, since her childhood; that prior to the outbreak of the war of rebellion he was a minister that preached to the slaves in the Cherokee Nation; that he knew Martha Washington, at that time; that she was the slave of George Gunter, , and continued to be his slave until the outbreak od the war of rebellion when he took her South. George Gunter was a Cherokee Indian by blood.

Affiant further states that about the close of the war, in the year of 1865, he met her in the Cherokee Nation. He remembers the time of her marriage with Williams, and while he was not present at such marraige, he saw them shortly after, in the summer of 1866, they were at that time ~~making a crop~~ living - having made a crop in Arkansas - in the Cherokee Nation, and in the fall of 1866 the Rev. Samuel White organized a church at Jacktown in the Cherokee Nation, Indian Territory, and this affiant assisted him in such organi-

Cohen. Martha Washington was a member of this church when it was organized in 1866. Your affiant further says that he has known her continuously since that time, except a short time when she went to live on her farm with her husband trying to persuade him to give up the idea of going to Liberia, where he afterwards went, and this applicant returned to her home in the Nation, and has continuously resided there since that time.

Affiant further states that he has no interest in the enrollment of Martha Washington, and will not be benefitted thereby.

Witness
W. B. Hill
J. M. Lawton

Green L. Green
his
mark

Subscribed and sworn to before me on this the 4th day of February, 1905.

W. B. Hill
Notary Public.

My commission expires on the 27 day of May, 1905.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, I. T.

In the matter of the application of Martha Washington, et al., for enrollment as Cherokee Freedmen.

AFFIDAVIT IN SUPPORT OF PETITION TO RE-OPEN CASE.

EXHIBIT "B".

Comes now Samuel White, and on his oath states that he is 78 years of age; that he is a resident of Van Buren, Ark.; that he has been acquainted with Martha Washington, petitioner herein, from her early childhood; that prior to the war of rebellion he was a minister who preached to the slaves; that he knew Martha Washington at that time, and that she was a slave of George Gunter, a Cherokee Indian by blood, and remained his slave until the outbreak of the war when she went south with the Gunters and their slaves; She returned to the Cherokee Nation in the summer or fall of 1865. This affiant further states that he married her in Van Buren to a man by the name of Williams in 1866; that his record of this marriage made at that time show that she was married in the month of May, 1866.

Affiant further says that in the summer of 1866 after the applicant and her husband had laid by their crops returned to the Cherokee Nation; that he organized a church at Jacktown in the Cherokee Nation in the fall of that year, 1866, and that this applicant for

citizenship because a member of his church at the time of its organization, that he has known the applicant since that time and knows that her home has been in the Cherokee Nation, Indian Territory since that time, except for a short time when she was away when her husband went to Liberia. After he sailed for Liberia she returned to the Cherokee Nation, Indian Territory, and has since lived there.

Affiant further says that he has no interest in the result of this cause, that he is not and has never been an applicant for citizenship in the Cherokee Nation.

Affiant further stated that he was ready to go to Muscogee to testify in this cause, and others, upon the evening of January 31st, 1905 so as to be in Muskogee on February 1st, but was notified by the counsel of this applicant that it would not be necessary for him to go at that time.

Affiant says that the matters and facts set forth in the above and foregoing affidavit are true and correct.

Samuel White

Subscribed and sworn to before me on this the 11th day of February, 1905.

W. B. Wise
Notary public.

My commission expires on the 27 day of May, 1905.

86473 | Indian Office Incl. No. | 1904

In re
application of Martha
Washington for Enrollment
as a Cherokee Freedman

Petition

5 12648

Neal & London attys

[illegible]

[illegible]

[illegible]

[illegible]

Martha Washington,	
vs.	P E T I T I O N .
Cherokee Nation.	

Now comes Martha Washington and states to the Commission that she is a Cherokee Freedman, and entitled to all the rights and privileges pertaining thereto, and for cause says that she was a slave of a Cherokee Indian by blood, George Gunter, prior to the war of rebellion; that at the beginning of the war her owners carried her South in the Cherokee Nation to Red River; that she remained there until peace was declared, which was in the spring of 1865; that in April or May of said year her said owners returned with her to Scullyville in the Choctaw Nation, Indian Territory; that as soon as her owners arrived in Scullyville they called all of their slaves, [illegible] petitioner among others, around them and gave them their freedom, and told them that they would have to work for themselves.

That [illegible] [illegible] [illegible]

[illegible]

[illegible] the Cherokee Nation, that she crossed the river at Ft. Smith and came to the house of a colored man named Tom Holmes; that she remained with said family of Tom Holmes for awhile like a month trying to find where her parents were at, that [illegible] told her he could keep her no longer, they had nothing for her to do and nothing for her to eat, that she then returned to Ft. Smith and hired to work and bought her some clothes, afterwards, in the winter of the same year, she [illegible] returned to the Cherokee Nation and stayed with the family of Green Harmon, a colored man, that she remained there as one of the family until the next spring, which was in 1866, that she returned to Ft. Smith and again hired out to work, that while working in Ft. Smith in the summer of 1866 she married a man named _____ Williams, that she lived at what is known as the Half Way House between Van Buren and Ft. Smith until the winter of 1866, and until they gathered the crop raised by them; that they then moved into the Cherokee Nation and lived in the river bottom not far from where they are now located the town of Red Land; that in the summer and fall of 1866 Mr. Williams went into the Cherokee Nation and built them a small house which they moved into when the crop was gathered; that she has continuously resided in the Cherokee Nation since that date upto the present time except a period of about eight years when she was in New York City; that the cause of her going to New York City was that her husband, Mr. Washington, decided to go to Liberia with a colony of negroes; that she followed him to New York to try to pursuade him from making the trip; that she could not keep him from going, and that when he left he left her in the City of New York without any money or friends, and she hired there and worked until she obtained money sufficient to return to the Cherokee Nation;

That when she left the Cherokee Nation and went to New York she left her home and her children in the Cherokee Nation , expecting to return to them; expecting to be able to

being her husband with her, but failing to convince him that he was in error in failing to make the trip, she was left in New York alone; that as soon as she got money enough to pay her fare from New York back to the Cherokee Nation she returned, and has resided since that date continuously in the Cherokee Nation;

That she is an invalid and unable to appear before the Commission to the Five Civilized Tribes.

WHEREFORE, she prays that they accept this petition as her plea, and that they enroll her as a Cherokee Freedman.

Witness
W. L. Rogers
James Harmon

Martha her X mark Washington

Subscribed and sworn to before me on this the 19th day of Nov, 1904.

W. L. Rogers
Notary Public.

My commission expires on the 2nd day of Sept, 1908

86173
Indian Office,
Incl. No.
1904

BEFORE THE COMMISSION TO THE FIVE
CIVILIZED TRIBES, MUSKOGEE, I. T.

In the matter of the application of Martha Washington for Identification as a Cherokee Freedwoman:-

APPLICATION FOR COMMISSION TO TAKE DEPOSITIONS ON INTERROGATORIES.

Comes Martha Washington and files this her petition for a commission to take the deposition of Sam White, of Van Buren, Ark., upon interrogatories, said deposition to be read in evidence in the matter of the application of Martha Washington for identification as a Cherokee Freedwoman, that for cause thereof she states that the said witness, Sam White, is a resident of Crawford County, Arkansas, and his present post office address is Van Buren, Arkansas; that he is outside of the jurisdiction of the Commission, and that this petitioner is unable to procure his attendance before the Commission in person.

That she will be able to prove by the said witness that she, your petitioner, was the slave of a Cherokee Indian by blood at the beginning of the war of rebellion, and that her owners carried her South during the war; that afterwards, in the spring of 1865, she returned to the Cherokee Nation and made her home with the family of one Tom Bateom; that she lived with him for a period of some two or three months; that while with him she was trying to find her mother and brothers, who formerly lived in the Cherokee Nation; that afterwards she went and lived as one of the family with one Green Shannon in the Cherokee Nation; that while with the family of Green Shannon she became a member of the church that was organized by this witness; that the only home she had up

to the date of her marriage she with [illegible] lived in the Cherokee Nation [illegible] her present from the Cherokee Nation was [illegible] January, and while she was at work for wages in the city of New York, Virginia, which adjoins the Cherokee Nation.

That [illegible] she is able to prove by this witness that in May, 1880, he married her to one Sam Williams, he being a citizen of the Nation; that the marriage was performed in the town of Fort Gibson; that she will be able to prove by this witness that he is the sister of Lucy, who removed with her husband to the Cherokee Nation where she has continuously resided since that date, except the time she was in New York City; that he has been a member of Rev. Sam White's church continuously since joining it in 1882.

That the witness has kept her residence in the Cherokee Nation since her return after the war.

Applicant further states that she has appeared in person before the Dawes Commission and made her application for citizenship as a Cherokee Freedwoman.

WHEREFORE, she prays that a commission be issued to take the deposition of the Rev. Sam White.

Neal & London
Attorneys for petitioner

Subscribed and sworn to before me this the [illegible] day of [illegible]

United States of America,
Northern District,
Indian Territory.

I, Martha Washington, on my oath states that the matters and facts set forth in the above and foregoing petition are true and correct.

Witness
H. L. Rogers
James Harmon

Martha Washington
Mark

Subscribed and sworn to before me on this the 2nd day of Sept, 1904.

H. L. Rogers
Notary public.

My commission expires on the 2nd day of Sept, 1908

DEPARTMENT OF THE INTERIOR,

COMMISSION OF THE FIVE CIVILIZED TRIBES, MUSKOGEE, IND. TERR.

In the matter of the application of Martha Washington for identification as a Cherokee freedman.

INTERROGATORIES TO BE PROPOUNDED ON BEHALF OF THE PEOPLE, WITH TO REV. SAM WHITE.

Interrogatory #1.

State your name, age and place of residence.

Answer to interrogatory #1.

Interrogatory #2.

What is your occupation?

Answer to interrogatory #2.

Interrogatory #3.

If in answer to interrogatory #2 you state that you are a minister of the gospel, xhixx state whether or not you solemnized the rights of marriage between one Dan Williams and his wife, Martha, in the spring or summer of 1886.

Answer to interrogatory #3.

Interrogatory #4.

State any facts you remember relative to such marriage which would impress the facts of the date upon your mind.

Answer to Interrogatory #4.

Interrogatory #5.

State how long you have been acquainted with Martha Washington before her marriage to her first husband, Dan Williams, and any other facts which you may know relative to her, as to whether or not she was a slave, if so, who was her owner, and to what race did he belong, whether Indian or white.

Answer to interrogatory #5.

Interrogatory #6.

State any facts you may know relative to her removal from the Cherokee Nation at the outbreak of the civil war.

Answer to interrogatory #6

Interrogatory #7.

If in answer to interrogatory #6 you state that she was removed from the Cherokee Nation at the outbreak of the war, state if you know the date , as near as you can, of her return after the declaration of peace, and any further facts which you may know relative to her residence between the spring of 1865 and the winter of 1866.

Answer to interrogatory #7.

Interrogatory No.

If in answer to interrogatory #3 you have answered that you did solemnize the marriage between Ben Williams and Martha in the county or manner of Iaon, state any fact you may know relating to the length of time they resided in Johnston County, Arkansas, after you had married them, and to where they removed, if they did remove, when they left Johnston County, and any fact which you may know relative to the residency of Martha Washington Alone Iaon

Answer to Interrogatory No.

Marriage got for
June 22nd 1904

~~I have hereto~~

I hereby certify that I on the day of marriage of
Iaon at the date of the marriage issued
on all the Marriage by handing from the same

Charles Kinney
U. S. Constable

APPLICATION FOR EXAMINATION OF [illegible]

Comes now Martha Washington, and files this her petition for a commission to take the deposition of Green Wean, of Van Buren, Arkansas, upon interrogatories, said depositions to be held in evidence in the matter of the application of Martha Washington as a Cherokee Freedwoman, and for cause thereof she states that the said witness, Green Wean, is a resident of Crawford County, Arkansas, and his present post office address is Van Buren, Arkansas;

That he is outside of the jurisdiction of the Commission; that he is infirm and unable to make the trip from Van Buren to Muskogee, and that this petitioner is unable to procure his attendance before the commission in person;

That she will be able to prove by the said witness that she, your petitioner, was a slave of a Cherokee Indian by blood at the beginning of the war of rebellion, and was carried South by her owners during the war; that at the close of the war, which was in the spring of 1865, she returned to the Cherokee Nation and made her home with the family of Tom Deteen; that she remained with Deteen until they could keep her no longer; that she then moved and stayed with the

Neal & London
attorneys for petitioner

United States of America,
Western District,
Indian Territory.

I, Martha Washington, on my oath states that the matters and facts set forth in the above and foregoing application are true and correct.

witness
A. L. Rogers
James Harmon

Martha her x mark Washington

Subscribed and sworn to before me on this the 19th day of Nov, 1904.

A. L. Rogers
Notary Public

My commission expires on the 2nd day of Sept, 1908

FR 343

FEB 10 1905

~~[illegible]~~

COMMISSION TO THE FIVE CIVILIZED TRIBES, MUSKOGEE, IND. TERR.

In the matter of the application of Martha Washington for identification as a Cherokee Freedwoman.

INTERROGATORIES TO BE PROPOUNDED ON BEHALF OF THE PETITIONER TO GREEN BEAN.

Interrogatory No. 1- What is your name, age and post office address?

Answer to interrogatory #1.

Interrogatory #2- How long have you been acquainted with Martha Washington?

Answer to interrogatory #2.

Interrogatory #3 - If in answer to interrogatory #2 you state that you were acquainted with her before the war, what was the name of her master, and what was his race (whether Indian or white)?

Answer to interrogatory #3.

Interrogatory #4 - If in answer to interrogatory #3 you state that he was an Indian by blood, state what tribe he was a member of.

Answer to interrogatory #4.

Interrogatory #5 - State all you know, if anything, about her being taken from the Cherokee Nation at the outbreak of the

[illegible] if she was [illegible]

Answer to interrogatory #[illegible]

Interrogatory #[illegible] - If in answer to interrogatory #[illegible] you state that neither Tom [illegible] nor Jane Tom the Cherokee Indian by her mother, was born a Cherokee Indian, at the beginning of the war to come home to the Nation, state if you know when she returned, and state if you know about her residence in the summer and fall of 1862 and the winter of 1862.

Answer to interrogatory #[illegible].

Interrogatory #7 - If you remember anything relative to her first marriage, give the name of the minister who married her, if you know; the name of her husband and the place where her marriage was solemnized.

Answer to Interrogatory #7.

Interrogatory #8 - If in answer to interrogatory #7 you state that she married Dan Williams in the spring or summer of 1866 in Sebastian County, Arkansas, state, if you know, how long they remained in Sebastian County, Arkansas, and where they went when they removed.

Answer to interrogatory #8.

Interrogatory #8 - If it is answer to interrogatory #6 you have [illegible] served to the Chatham notice, further specifying the [illegible] of water of land, state such facts as you may remember relative to such removal, and such terms, if any, for being relative relative to the [illegible] of such removal.
Answer to interrogatory #8.

Interrogatory #10 - State any other facts which you may remember relative to her residence on the Chatham [illegible] during the [illegible] and water of land, or since last time.
Answer to interrogatory #10.

Mortgage Fred Fee
Nov 22nd 1904

I hereby certify that I on this day attached I f.
Serve A true copy of the within notice on W. W. Hastings by handing him the same

Charles Shimer
U S Marshal

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BEFORE THE COMMISSION TO THE FIVE
CIVILIZED TRIBES. MUSKOGEE, I. T.

In the matter of the application of Martha Washington for identification as a Cherokee Freedwoman:-

APPLICATION FOR COMMISSION TO TAKE DEPOSITIONS ON INTERROGATORIES.

Comes Martha Washington and files this her petition for a commission to take the deposition of Sam White, of Van Buren, Ark., upon interogatories, said deposition to be read in evidence in the matter of the application of Martha Washington for identification as a Cherokee Freedwoman; that for cause thereof she states that the said witness, Sam White, is a resident of Crawford County, Arkansas, and his present post office address is Van Buren, Arkansas; that he is outside of the jurisdiction of the Commission, and that this petitioner is unable to procure his attendance before the Commission in person.

That she will be able to prove by the said witness that she, your petitioner, was the slave of a Cherokee Indian by blood at the beginning of the war of rebellion, and that her owners carried her South during the war; that afterwards, in the spring of 1865, she returned to the Cherokee Nation and made her home with the family of one Tom Dotson; that she lived with him for a period of some two or three months; that while with him she was trying to find her mother and brothers, who formerly lived in the Cherokee Nation; that afterwards she went and lived as one of the family with one Green Shannon in the Cherokee Nation; that while with the family of Green Shannon she became a member of the church that was organized by this witness; that the only home she had up

to the date of her marriage she with her husband lived in the Cherokee Nation, that her absence from the Cherokee Nation was only temporary, and while she was at work for wages in the City of Fort Smith, Arkansas, which adjoins the Cherokee Nation.

That she will be able to prove by this witness that in May, 1866, he married her to one Dan Williams, he being a minister of the Gospel, that the marriage was performed in the town of Fort Gibson; that she will be able to prove by this witness that in the winter of 1866 she removed with her husband to the Cherokee Nation where she has continuously resided since that date, except the time she was in New York City; that she has been a member of Rev. Sam White's church continuously since joining it in 1866.

That the witness has ~~since~~ seen her frequently and knows that her home has at all times been in the Cherokee Nation since her return after the war.

Applicant further states that she has appeared in person before the Dawes Commission and made her application for citizenship as a Cherokee Freedwoman.

WHEREFORE, she prays that a commission be issued to take the deposition of the Rev. Sam White.

Neal & London
Attorneys for petitioner

~~Subscribed and sworn to before me this the~~

United States of America,
Northern District,
Indian Territory.

I, Martha Washington, on my oath states that the matters and facts set forth in the above and foregoing Petition are true and correct.

Witness:
H. L. Rogers
James Harmon

her
Martha X Washington
mark

Subscribed and sworn to before me on this the 19th day of Nov, 1904.

H. L. Rogers
Notary Public

My commission expires on the 2nd day of Sept, 190 8

[illegible] OF THE [illegible],

[illegible] TO THE FIVE CIVILIZED TRIBES, [illegible], [illegible].

In the matter of the [illegible] application of Martha Washington for [illegible] [illegible] as a freedman freedmen.

INTERROGATORIES TO BE PROPOUNDED ON BEHALF OF THE PETITIONER TO REV. SAM WHITE.

Interrogatory #1.

State your name, age and place of residence.

Answer to interrogatory #1.

Interrogatory #2.

What is your occupation?

Answer to interrogatory #2.

Interrogatory #3.

If in answer to interrogatory #2 you state that you are a minister of the gospel, ~~xxxx~~ state whether or not you solemnized the rites of marriage between one Dan Williams and his wife, Martha, in the spring or summer of 1886.

Answer to interrogatory #3.

Interrogatory #4.

State any facts you remember relative to such marriage which would impress the facts of the date upon your mind.

Answer to Interrogatory #4.

Interrogatory #5.

State how long you have been acquainted with Martha Washington before her death, before her marriage to Roy first husband, Lee Will Jones, and any and other facts which you may know relative to her, as to whether or not she was a slave, if so, who was her owner, and to what race did she belong, whether Indian or white.

Answer to interrogatory #5.

Interrogatory #6.

State any facts you may know relative to her removal from the Cherokee Nation at the outbreak of the civil war.

Answer to interrogatory #6

Interrogatory #7.

If in answer to interrogatory #6 you state that she was removed from the Cherokee Nation at the outbreak of the war, state if you know the date, as near as you can, of her return after the declaration of peace, and any further facts which you may know relative to her residence between the spring of 1865 and the winter of 1866.

Answer to interrogatory #7.

Interrogatory No.

If in answer to Interrogatory No. you have answered that you did witness the marriage between Dan Dillahunt and Martha [illegible] by virtue of a license of 1866, state any fact you may have relative to the length of time they resided in Hamilton County, Arkansas, after you had married them, and to where they removed, if they did remove, when they left Hamilton County, any fact which you may have relative to the residence of Martha Farmington since 1866

Answer to Interrogatory No.

BEFORE THE COMMISSION TO THE
FIVE CIVILIZED TRIBES, MUSKO-
GEE, IND. TY..

In the matter of the application of Martha Washington for identification as a Cherokee Freedwoman.

APPLICATION FOR COMMISSION TO TAKE DEPOSITIONS ON INTERROGATORIES.

Comes now Martha Washington, and files this her petition for a commission to take the deposition of Green Bean, of Van Buren, Arkansas, upon interrogatories, said depositions to be read in evidence in the matter of the application of Martha Washington as a Cherokee Freedwoman, and for cause thereof she states that the said witness, Green Bean, is a resident of Crawford County, Arkansas, and his present post office address is Van Buren, Arkansas;

That he is outside of the jurisdiction of the Commission; that he is infirm and unable to make the trip from Van Buren to Muskogee, and that this petitioner is unable to procure his attendance before the commission in person;

That she will be able to prove by the said witness that she, your petitioner, was a slave of a Cherokee Indian by blood at the beginning of the war of rebellion, and was carried South by her owners during the war; that at the close of the war, which was in the spring of 1865, she returned to the Cherokee Nation and made her home with the family of Tom Deteon; that she remained with Deteon until they could keep her no longer; that she then moved and stayed with the

family of Green Shannon, that while with the family of Green Shannon she lived in and near the City of Fort Smith, and that she belonged to the Church in the Cherokee Nation, and that Green Shannon's house was her home. That he was present in the spring of 1866 when she was married to Ben Williams in Van Buren, Arkansas;

That she can prove by said witness that Ben Williams lived at the Half Way House between Van Buren and Ft. Smith, that she and Mr. Williams resided there until their crop was gathered in the fall of 1866; that they then removed to the Cherokee Nation, where she has continuously resided with her family since that date;

That she can prove by said witness that after her marriage with Ben Williams, and before they removed to the Cherokee Nation, that her husband prepared a house for them to remove in, and that they moved before January 1st, 1867.

Applicant further states that she has appeared in person before the Dawes Commission and made her application as a Cherokee Freedwoman.

WHEREFORE, she prays that a commission be issued to take the depositions of Green Bean.

Neal & London
Attorneys for Petitioner

United States of America,
Northern District,
Indian Territory.

I, Martha Washington, on my oath states that the matters and facts set forth in the above and foregoing application are true and correct.

witness
H. L. Rogers
James Harmon

her
Martha x washington
mark

Subscribed and sworn to before me on this the 19th day of Nov, 1904.

H. L. Rogers
Notary Public.

My commission expires on the 2nd day of Sept, 1908

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES, MUSKOGEE, IND. TERR.

In the matter of the application of Martha Washington for identification as a Cherokee Freedwoman.

INTERROGATORIES TO BE PROPOUNDED ON BEHALF OF THE DEVITT HEIRS TO OTHER HEIRS.

Interrogatory No. 1- What is your name, age and post office address?

Answer to interrogatory #1.

Interrogatory #2- How long have you been acquainted with Martha Washington?

Answer to interrogatory #2.

Interrogatory #3 - If in answer to interrogatory #3 you state that you were acquainted with her before the war, what was the name of her master, and what was his race (whether Indian or white)?

Answer to interrogatory #3.

Interrogatory #4 - If in answer to interrogatory #3 you state that he was an Indian by blood, state what tribe he was a member of.

Answer to interrogatory #4.

Interrogatory #5 - State all you know, if anything, about her being taken from the Cherokee Nation at the outbreak of the

day, if she was taken.
Answer to Interrogatory # 5.

Interrogatory #6 - If in answer to Interrogatory #4 you state that Martha Washington was taken from the Cherokee Nation by her master, who was a Cherokee Indian, at the beginning of the war to come place in the South, state if you know when she returned, and all you know about her residence in the summer and fall of 1863 and the winter of 1864.
Answer to Interrogatory #6.

Interrogatory #7 - If you remember anything relative to her first marriage, give the name of the minister who married her, if you know; the name of her husband and the place where her marriage was solemnized.
Answer to Interrogatory #7.

Interrogatory #8 - If in answer to interrogatory #7 you state that she married Dan Williams in the spring or summer of 1868 in Sebastian County, Arkansas, state, if you know, how long they remained in Sebastian County, Arkansas, and where they went when they removed.
Answer to interrogatory #8.

Interrogatory #9 - If in answer to interrogatory #8 you state that they moved to the Cherokee Nation, Indian Territory, in the fall or winter of 1838, state such facts as you may remember relative to such removal, and your reasons, if any, for being positive relative to the date of such removal.
Answer to interrogatory #9.

Interrogatory #10 - State any other facts which you may remember relative to her residence in the Cherokee Nation during the fall and winter of 1838, or since that time.
Answer to interrogatory #10.

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 20th, 1906.

In the matter of the application of Martha Washington for the enrollment of herself as a Cherokee Freedman.

Appearances:
Applicant appears in person.
Cherokee nation by W. W. Hastings.

MARTHA WASHINGTON, being duly sworn, testified as follows:
Examination by the Commission.

Q What is your name? A Martha Washington.
Q How old are you. A 59 years old.
Q What is your post office address? A Foreman.
Q Indian Territory? A Yes, sir.
Q In what district? A Sequoyah.
Q Do you apply for the enrollment of yourself as a Cherokee Freedman? A Why, I don't know what else.
Q Do you apply for any one besides yourself? A My boy. He is here.
Q How old is he? A 23.
Q Is he a Cherokee Freedman? A Yes, sir.
Q What is the name of your mother? A Rhoda.
Q Is she a Cherokee Freedman. A Yes sir.
Q Where were you born? A Born in Sequoyah.
Q How long have you lived there? A All my life. I went down south.
Q Did you go down south during the war? A Yes, sir; we went south.
Q When did you come back. I come back before they did They come back in the spring.
Q How long have you been named Washington? A 14 years.
Q What was your name before it was Washington? A Williams.
Q How long were you named Williams. A I married the second year after the war.
Q How often have you been married? A Twice.
Q Have you ever been recognized by the tribal authorities of the Cherokee nation as a Freedman? A Did you draw any money.
Q I never drawed any money. I could of drawed money from the Wallace payment. Our names were taken down but we didn't draw.
Q Have you always lived outside of the Cherokee nation.
A I lived in the Choctaw Nation.
Q Have you ever lived outside of the Indian Territory? A Yes, sir.
Q How long? A 3 years, about.

Examination by Mr. Hastings.

Q Didn't you say this morning that you were in New York City?
A Why certainly. I won't tell no lie. You can't get me to tell any lie for the Cherokee nation.
Q How lojg did you say you stayed there? A Stayed nearly 9 years; been very nearly 10 years.
Q How long have you been back? A About a year.

1880 roll, census roll of 1896, Wallace and Kerwin-Clifton rolls of Cherokee Freedmen examined and the applicant is not identified thereon.

Martha Washington applies for the enrollment of herself as a Cherokee Freedman. She is not identified upon any of the tribal rolls in the possession of the Commission. It further appears that for a period of 8 years, up to about one year ago she has not resided in the Indian Territory.

Her application comes within the provisions of the temporary injunction recently granted by Judge Dill of the United States court for the northern district of Indian Territory, and under the provisions of said injunction this Commission is without authority to receive consider or make any record of her application.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings inthis case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) Jesse O. Carr.

Subscribed and sworn to before me this 12 day of July, 1902.

(signed) P. G. Reuter
Notary Public.

(S E A L)

--oOo--

I, Lola Mann, a stenographer to the Commission to the Five Civilized Tribes, hereby certify that the above is a true and correct copy of the original now on file with the Commission.

Lola Mann

Subscribed and sworn to before me this 1st day of March, 1905.

Notary Public.

FILED
DEC 1904
COMMISSION TO FIVE TRIBES.

FILED
DEC 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen Roll.

[illegible]

[illegible] in the matter of the application for the enrollment of Martha Washington as a Cherokee Freedman.

It appears that on the 28th day of October, 1904, the applicant and the attorney for the Cherokee Nation were duly notified by letters that an opportunity would be given each of them to appear before the Commission at its office in Muskogee, Indian Territory, on November 17, 1904, and introduce testimony touching the points mentioned in said letter, at which time this case would be taken up for final consideration.

APPEARANCES:
Applicant appears by her attorneys, Neal & London.
Cherokee Nation by attorney, W. W. Hastings.

ARAMINTA PACK, being duly sworn, testifies as follows:

BY MR. LONDON:
Q What is your name? A Araminta Pack.
Q What is your age? A Sixty-one.
Q What is your postoffice address? A Muldrew, Indian Territory.
Q Are you a Cherokee Indian by blood? A Yes,sir.
Q Was your father a Cherokee Indian by blood? A Yes,sir.
Q Did you, or your family, own a negro woman before the war, whose present name is Martha Washington? A Yes,sir
Q Did you take her out south during the war? A Yes,sir.
Q Did you bring her back? A Yes,sir.
Q You set her free did you? A Yes,sir, we set her free, my family did.
Q At what point did you set her free? A Not very far from Spiro, old Skullyville, Choctaw Nation.
Q How old was this woman at that time? A I don't know how old she was.
Q She was just a girl? A She was a young woman, I don't know exactly.
Q Where did she go when you set her free? A She went down a about Fort Smith.
Q Mrs. Pack, did you ever see her at any time soon after you set her free, in the Cherokee Nation? A Yes,sir, she came to my house and stayed all night.
Q What was she doing when she was at your house?
A Hunting work, she said.
Q Do you know if she had any parents or relations at that time?
A She never had, down there, she had a mother but she was at Fort Scott.
Q She is a sister of Jack Foreman? A Yes,sir.
Q Well, do you know where she went to from your house? A She went back to Fort Smith.
Q Did she afterwards move into the Indian Territory? A Yes,sir after a while. I don't know how many years, she moved back and lived in here.
Q That was after she married? A Yes,sir.

Q Do you know if she was in a condition to be forced to work for a living after the war? A I guess she was, she had nothing.

By MARTIN:

Q Everybody, both white and black, had to work for a living in here after the war, didn't they? A Yes,sir, indeed they did, I know we did.

Q Are you yourself, or your family kin this woman? A My father.
Q Were you married at that time? A Yes,sir.
Q Was this negro woman the father of any children before the war?
A No,sir.
Q Do you know how soon afterwards she was married?
A Well have been about '66 or '67.
Q Where was she married? A Down about Fort Smith.
Q She was married then when she came over to visit you?
A She came hunting a work, and wanted to know if I knew her folks; I told her there weren't none of them there.
Q Then she went back? A Yes,sir, and then afterwards she came over again and went off there where some other colored folks was living.
Q That she was living at Fort Smith at this time? A Yes,sir
Q Have you been lived right in the neighborhood of Muldrow, this side of the river from Fort Smith, ever since the war?
A Yes,sir
Q How many years after the war was it before this woman came back there to live? A It wasn't more than two or three years—two years anyhow, she came back to live, and lived there all the time until they all started to Africa that time.
Q About how long did she stay there before she started to Africa?
A Oh, about ten or fifteen years, maybe more.
Q They started to Africa, did they? A Yes,sir
Q How long were they gone on that trip?
A Let me tell you now, first, her first man she lived with, he died down here by Ft. Smith, then she married again, two or three years after that, and her and her old man they started to Africa, and she left her children all back here.
Q But I am asking you how long she was gone? A I don't know how long she was gone, six or seven years, 7 or 8.
Q Do you know where she went? A She went to New York.
Q Was her husband with her? A No, he went on to Africa, and left her in New York, and then she came back here.
Q The first time you saw her she just come over here on a visit, hunting her folks? A Yes,sir
Q How long was that after the war? A About a year after I moved back home.
Q When did you move back home? A In '65.
Q In '65? A In the fall of '65
Q Have you any way of placing the exact time when this woman came over here on a visit hunting her folks?
A No, I haven't
Q These people have never been recognized as citizens?
A This woman has not.
Q You have lived there all the time since then?
A Yes, sir.
Q Forty years has been a long time for people to remember the exact year ? A Yes, if people did not pay any attention to it
Q You wouldn't undertake to say the exact time she came over there
A Well,- no, sir.
Q You might miss it two or three years?
A I might not miss it more than six months.
Q You have got nothing by which you can exactly measure time?
A No, sir.

Q It may have been as late as '67 or '68 when she was there?
A No, it was not that late
Q How do you fix the date of this transaction when it was forty years ago, and you had nothing to impress it?
A Well, I know it wasn't that long. I know it was not that much because I know I had not been living there more that a year, anyway when she came.
Q Where was she living then? A She wasn't living anywhere, she was hired out.
Q She went back to Fort Smith? A Yes,sir.
Q Then she never moved to the Cherokee Nation till some three or four years after the war? A No, sir.
Q When did you first see her living in the Cherokee Nation, three or four years afterwards? A It wasn't three or four years, two or three years, I said.
Q Did this woman marry in Fort Smith? A She married over there somewhere ; I don't know whether in Fort Smith or in the Choctaw Nation.
Q What was her first husband named? A Daniel Williams
Q Do you know when she married him? A No, sir
Q Do you know whether she was married to him when she first came over here? A I think she wasn't when she first came and staid all night.
Q What do you know? A She said she wasn't.
Q Was she married when she first moved up there? A Yes, she was married then.
Q How long has this woman been back from New York City?
A She has not been back very long, six or seven years.
Q Five or six years? A Six or seven.
Q When did she go to New York? A I don't know exactly, You know as much about that as I do, Mr. Hastings, that time the negroes all started to go to Africa, that time.
Q It is pretty hard to remember these dates? A Yes, sir, it is, I didn't care at all when they went you know.
Q And you are not going to be positive about dates forty years ago, are you? A No, sir, I aint.
Q She was married when she moved over into the Cherokee Nation?
A Yes, sir, I said that once or twice.
Q Where did she first live when she moved over here?
A Don on this side the river, not far from Fort Coffey
Q How far is that from Fort Smith? A I don't know how far it is
Q Near what present town? A Well, about fifteen or twenty miles from Fort Smith.
Q Near what present town? A Redlands.
Q She moved right near Redlands? A Yes,sir.
Q In what direction from where Redlands now is did she first move. A It is northeast.
Q How far? A About a mile, or a little over a mile.
Q There is where she first settled when she moved back to the Cherokee Nation? A Yes,sir, and they lived there until they started to Africa.

BY COMMISSION:
Q Did this woman live with you down south during the war?
A No, sir, she lived with my father
Q Near to where you lived? A Yes,sir

Q What time did you leave the south returning to the Cherokee Nation after the war? A We never went to Texas; we went to the Choctaw Nation, and we came back in the fall of '64.
Q After the surrender? A Yes,sir.
Q And this woman came along with your crowd? A Yes sir.
Q Where did you come to? A We came to old Boullyville, in the Choctaw Nation.
Q How long did you stay there? A We stayed there that summer and made a crop.
Q And that was the summer of '66? A Yes,sir, and that fall we moved over on this side of the river
Q Whereabouts in the Cherokee Nation did you locate?
A Well, about four miles from Fort Smith, this side the river.
Q Did you bring Martha Washington into the Cherokee Nation with you? A No, sir.
Q Where did you leave her? A She left us right there at old Boullyville, Choctaw Nation.
Q You don't know where she went , of your own knowledge?
A She said she went to Fort Smith.
Q Where did you next see her? A Well, after we done moved, and she came to my house and stayed all night.
Q Now, how long was it after you came to the Cherokee Nation until this woman came over to your house, to your best knowledge.
A Must have been a year or a year and a half, the first time she came.
Q About a year and a half? A To the best of my knowledge
Q Did she just remain all night wit you? A Just all night.
Q And then where did she go? A Went back to Fort Smith
Q And the next time you saw her was how many years after that?
A Was not long, two or three.
Q Two or three years afterward? A Yes,sir.
Q Where did you see her that time? A She came right to my house again, and came down by the river hunting some of her folks.
Q Did she remove to the Cherokee Nation at that time?
A No, she did not move that time, but she moved right afterwards. She went back then and she moved right after that.
Q And she lived in the Cherokee Nation then, did she, continuously, until she started to Africa, as you said? A Yes,sir
Q Can you give the Commission any idea as to the number of years she was gone on that trip? No, I cannot.
Q Do you think it was as much as ten years? A I do not know, I can't say, it may have been ten or more, and may not have been so much.
Q You say your father was a Cherokee Indian by blood?
A Yes,sir.

BY MR. LONDON:
Q The first time that Martha came to your house after the war, did she say she was hunting work or for her folks?
A She was hunting work.
Q How long had you been living in the Cherokee Nation when she came there hunting work? A About a year and a half.
Q You made one crop in the Choctaw Nation? A Yes,sir
Q What year was that crop made? A In '65.
Q Do you know what time of the year it was that she came to your house the first time? A Along in the Spring.

Q You don't know how long she had been married when she moved into the Cherokee Nation? A No, sir, I don't.

BY M. F. MARTIN:

Q Now, Mrs. Peck, you know the war did not close until '65 wasn't it in '64 you made a crop in the Choctaw Nation?

A Why as soon as grass was made we went to the Choctaw Nation and made a crop there.

Q Was that in '63? A No, sir, in '65

Q Where were you in '64? A Over on this side of the river.

Q What time of the year did you move over on this side of the river? A In the fall.

Q Fall of '64? A Yes, sir. Now, we made a crop over there in '65, and we moved over to the Cherokee Nation that same fall, sometime.

Q And it was about a year and a half after you moved back when you saw this woman? A Yes, sir.

Q And you saw her in the Spring? A Yes, sir.

Q April or May? A I don't know, I know it was in the Spring.

Q What month? A I don't know.

Q You are not certain about the years? A Yes, we made a crop in '65 I know.

Q Where did you make a crop in '65? A In the River bottom.

Q In the Cherokee Nation? A In Cherokee Nation.

BY COMMISSION:

Q Mrs. Peck, can't you give me an idea of the month or the year when she was at your house the first time? A No, sir, that is just what we was talking about.

Q Well, was it warm or cold? A Well, we had crops planted.

Q What time do you plant crops, earlier than May? A Yes, in April, plant corn in April, cotton in May.

Q Then you think it was probably March or April? A I don't know; April or May.

Q Not earlier than April? A No, it wasn't.

Q Because you had your crops planted? Is that your reason for saying that? A Yes, sir, we had crop planted.

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Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings in this case, and that the above and foregoing is a full true and correct transcript of her stenographic notes therein.

Lucy M. Bowman

Subscribed and sworn to before me this 30 day of May 1904

Charles W. Lawson

FILED
OCT 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen Roll

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 21, 1906.

DUPLICATE PRELIMINARY PROOF in the matter of the application for the enrollment of Martha Washington as a Cherokee Freedman.

APPEARANCES:
No appearance for Applicant.
Cherokee Nation by W. W. Hastings.

JOHN E. GUNTER being duly sworn, testifies as follows:

BY W. W. HASTINGS:
Q What is your name? A John E. Gunter.
Q What is your age? A Fifty-eight
Q What is your postoffice? A Eufaula.
Q Are you a Cherokee by blood? A Yes,sir.
Q What was your father's name? A George Gunter.
Q Did your family own a colored woman by the name of Martha, at the commencement of the war? A Yes,sir.
Q Do you know whether or not she goes by the name of Martha Washington at the present time? A Yes, I understand so.
Q You are a brother of Mrs. Pack? A Yes,sir.
Q Did you take this colored woman out during the war?
A Yes sir, taken her out on the Red River, Choctaw Nation.
Q Were you in the army? A Yes,sir.
Q Did you come back with your folks after the war? A Yes,sir I did.
Q Was your sister, Mrs. Pack, along? A Yes sir, she was.
Q Where were you in the year 1865? A 1865? I was out near Red River, the latter part of '65.
Q When did you start back to the Cherokee Nation? A In the fall of '65
Q Where did you come to? A We come to near Soulleyville, in the Choctaw Nation..
Q How long did you remain? A About a year, until the fall of 1866.
Q Where did you go in the fall of 1866? A We came across the river into the Cherokee Nation.
Q Was your father still living? A Yes,sir.
Q When did he die? A He died the 27th day of January, '68.
Q Are you certain that you did not come back to the Cherokee Nation until the fall of '66? A Yes, that's right.
Q And Mrs. Pack came with you? A Yes.
Q And you took Martha Washington out with you you say, did she come back with you to the Cherokee Nation?
A No, at Soulleyville she left us.
Q Was that in the Choctaw Nation? A Yes,sir.
Q How long after that was it before you saw her? A Must have been seven or eight years, perhaps longer.
Q How far up the River from Fort Smith did you live after the war?
A They called it eighteen miles.
Q How far did you locate from where Mrs. Pack stopped?
A I think she was five miles from Fort Smith.

Q Did you have frequent occasion to go to Fort Smith, then and further? A Yes,sir.
Q That was about your only trading point at that time? A Yes,sir.
Q Were you acquainted with everybody up and down the river between your home and Fort Smith? A I was acquainted with a good many along there.
Q You say you never saw this woman for seven or eight years?
A No, I did not.
Q Was she married at that time? A When I saw her she was married and had several children.
Q Do you know where she was married? A No I don't know,-- Only from hearsay, of course.
Q Where, from hearsay? A I heard she was married in Fort Smith.
Q Fort Smith, Arkansas? A Yes, Arkansas.
Q Before that did you ever hear of her living or being in the Cherokee Nation after the war? A No, I never heard of her.
Q Do you think it probable that she lived in the Cherokee Nation on this side of the river from Fort Smith, and you not know it, in view of the fact that that was your trading point, and that you went up and down frequently, and you not known it? A No, I don't think she could.
Q You made inquiries after your old slaves much after the same fashion as the members of your families, and heard of them from time to time, didn't you? A Well, we would hear of them.
Q You talked about them and inquired about them more or less?
A Yes, we talked about them.
Q Where did Martha Washington first settle in the Cherokee Nation after the war? A She settled down there near Redlands. I reckon it was two miles and a half from where my father lived.
Q How far from where you lived? A About two and a half miles I say.
Q Did she just come in then, when she settled there? A Yes, she had just come in.
Q Has she ever been recognized as a citizen down there in that country? A No.
Q Now, Judge, you have held about all the offices that can be held down in Sequoyah District, haven't you?
A I guess I have, I have been Clerk, Sheriff and member of the Senate.
Q How many times in the Senate? A About three times, and I served two terms on the Citizenship Commission.
Q On the Adair Court? A On the Adair Court and the Ross Court.
Q And a member of the Cherokee Supreme Court? A Yes, I was two years on that, and I served four years as Sheriff, and I think I knew every house in that District, because sometimes I would have as high as eleven prisoners under arrest, and I would have to have guards and police you know. I remember a circumstance that happened once, I was after a man for juryman, and I got to inquiring where he lived, and they told me a certain place in the mountains, and I said "That's one place I haven't visited, one place I didn't know there was a house there", and when I went there it was a new house just built.
Q You mean to say you were thoroughly acquainted in the District?
A Yes,sir, I was.
Q Sequoyah is a small District? A Yes,sir.

Q And during these years you visited from house to house?
A Yes, sir.
Q Andyou never h ard of this woman being in the Cherokee Nation for seven or eight years? A No, sir, I did not, and I knew

and I knew every man in the district, because I registered their names, and I knew just how they were going to vote.

BY COMMISSION:

Q What was the first office you held in Sequoyah district after the war? A Clerk of the District Court

Q When were you sheriff first? A First, I think it was '76 or '78.

Q You think it was seven or eight years after you returned before you saw this Martha Washington? A Yes, seven or eight

Q Where did you see her? A I saw her about two and a half miles this side of where my father lived.

Q In Sequoyah District? A Yes, sir.

Q Near Fort Smith? A About eighteen miles from there.

Q Did you have a talk with her? A I don't remember.

Q You don't remember whether she told you where she was living?

A No, I don't remember.

Q She never did talk with you concerning where she went after she left you at Scullyville? A I don't believe I ever talked with her about that. I would hear of her being in Fort Smith.

Q When did she first come to the Cherokee Nation to live, at that time when you first saw her? A Well, that was the first time I saw her.

Q Was she living here then? A Yes, she claimed she lived there then; had just come in.

Q How far did you live from Redlands when you first came back?

A About a mile and a half I reckon.

Q You are well acquainted with the people up there

A Yes, sir, I am.

Q Now, when did Martha Washington first come in that neighborhood to live. A I can not say that, it was seven or eight years when I first saw her.

Q When you first saw her in Sequoyah District? Had she just come there to live? A Yes, I think so. So far as I know.

Q It was your understanding she had just come in? A Yes.

Q And did you continue knowing her after that? A Yes, all the way up. She lived right there until her husband sold out. Her first husband, Williams died and she married Washington, and they started to Africa, and got as far as New York, and she remained there quite awhile, then she came back down there.

Q Could she have lived in the vicinity of Redlands immediately after the war closed, say in the fall or winter of '66, from then up, without you knowing it? A No, I don't think she could, not in these.

Q You think if she had been in that vicinity you would have known it. A Yes, I do.

Q Has it been your understanding that she lived in Fort Scott prior to coming to Sequoyah District. A Yes.

Q That what you got from general understanding? A Yes.

Q But you never talked to her about that? A No, I don't think I ever did.

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Lucy M. Bowman, being under oath, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings and testimony had in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 18 day of December, 1914

Clarence H. Lampson

Notary Public.

FILED
COMMISSION TO FIVE TRIBES

Cherokee 3-241.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 7, 1908.

In the matter of the application for the enrollment of Martha Washington et al. as citizens of the Cherokee Nation.

In the matter of the application of Martha Washington et al this matter, by agreement and stipulation, was set for hearing for March 6, 1908.

On March 6, 1908 the case was again continued to March 7, 1908.

Now on this, the 7th. day of March, 1908, Martha Washington appears, by her attorneys, Neal & Leader, and the Cherokee Nation is represented by its attorneys, Bell, Hastings & Davenport.

The applicant, by her attorneys, filed motion for continuance in this case until after a certain motion, which is now pending before the Department of the Interior, is determined. The motion of the attorneys for the applicant is denied.

Attorneys for applicant file notice of their objection.

Cherokee Nation submits case on the record as now made up.

Attorneys for applicant stand on motion, refuse to offer any further testimony, and close the case.

CASE SUBMITTED ON THE RECORD.

Eula Jeanes Brannon, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 7th. day of March, 1908, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Brannon

Subscribed and sworn to before me this the 14th. day of March, 1908.

Myron Walls

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Washington et al., as Cherokee freedmen, consolidating the applications of:

Martha Washington,	Cherokee Freedman R 343
Daniel Williams,	Cherokee Freedman R 41
Ulysses Grant Williams,	Cherokee Freedman R 342

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Martha Washington for herself; by Daniel Williams for himself; and by Ulysses Grant Williams for himself.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Martha Washington, claims the right to enrollment as a Cherokee freedman by virtue of having complied with the provisions of Article IX, treaty of 1866, and that the other applicants herein claim as her descendants.

In support of her application the principal applicant testified on June 30, 1902, that she was fifty-nine years old, was born in Sequoyah District, Cherokee Nation, and lived therein all her life except during the war, when she went south. Further on she testified that she lived in the Cherokee Nation all her life except about three years spent in the Choctaw Nation, but on cross-examination, admits that she lived in New York City about nine years next before one year prior to filing her application for enrollment. (Testimony of her son, Ulysses Grant Williams, taken on same date shows that his mother returned to the Cherokee Nation in June, 1901). The principal applicant further testifies that she has been twice married, the first time to one (Dan) Williams, and the second time to one Washington,

and that she has never been recognized as a citizen of the Cherokee Nation by the Cherokee tribal authorities.

On behalf of the principal applicant, Araminta Pack, on November 17, 1904, testified that she was sixty-one years old, is a Cherokee by blood, and lives at Muldrew, Sequoyah District, Cherokee Nation; that her father was a Cherokee by blood, and owned the principal applicant at the commencement of the rebellion; that the principal applicant was taken by her (the witness's) family, to the Choctaw Nation during the war, and brought back to Scullyville, Choctaw Nation, after peace was declared in 1865, where she was liberated, and went to Fort Smith, Arkansas; that witness's family made a crop in the Choctaw Nation during the year 1866, and in the fall of that year, removed across the river to the Cherokee Nation; that about one and one-half years later, the principal applicant came to her house looking for work, remained over night, and returned to Fort Smith, where she was at that time living; and that several years later she, with her husband, removed to the Cherokee Nation and continuously resided therein until she started to Africa, some years later. On Cross-examination this witness is positive that she did not see the principal applicant in the Cherokee Nation prior to April, 1867.

On behalf of the Cherokee Nation, John E. Gunter, on November 23, 1904, testified that he was fifty-eight years old, lives at Muldrew, Sequoyah District, Cherokee Nation, is a Cherokee by blood, and is a brother of the applicant's witness, Araminta Pack; that the principal applicant was the slave of his father at the commencement of, and was taken to Red River, Choctaw Nation, during, the rebellion, where they remained until the fall of 1865, when they returned to Scullyville, Choctaw Nation, where the principal applicant was liberated and left the family; that the witness and family remained at Scullyville until the fall of 1866, when they removed across the river to the Cherokee Nation; that seven or eight years later, he first saw the applicant and her first husband in the Cherokee Nation, that they had just removed there from Fort Smith, Arkansas, and that they continuously resided therein for several years, when said principal applicant and her second husband left for Africa. Witness further testified that in going from his home to Fort Smith, Arkansas, his trading point, he frequently passed the place where the principal applicant afterwards located, and that by reason of holding numerous official positions under the Cherokee government, which, to secure, required a thorough canvas of the voters, he was acquainted with every family in his (Sequoyah) District, and that he is positive that this applicant and her family were not living in Sequoyah District, Cherokee Nation, prior to the time above indicated.

On April 10, 1901, Daniel Williams, in support of his application for enrollment as a Cherokee freedman, testified that he was twenty-five years old, is a son of the principal applicant, Martha Washington, and one Dan Williams, deceased, who was a non-citizen of the Cherokee Nation; and

On June 30, 1902, Ulysses Grant Williams in support of

his application for enrollment as a Cherokee freedman, testified that he was twenty-three years old, and is a son of the principal applicant, Martha Washington, and one Ben Williams, deceased, who was a non-citizen of the Cherokee Nation.

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the principal applicant, Martha Washington, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish her residence therein within the time specified in the Whitmire decree; and that the applicants Daniel and Ulysses Grant Williams, were born since the close of the rebellion, are children of the applicant Martha Washington and possess no rights to Cherokee Freedman citizenship other than as her descendants.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Martha Washington, Daniel Williams and Ulysses Grant Williams are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby,

Commissioner.

Dated at Muskogee, Indian Territory,

this Feb 19 1906.

Cherokee
F S 248 et al.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1904.

Dell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1904, rejecting the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams, as Cherokee freedmen.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

Incl. CL-102.
GEC.

Cherokee
F R 248

Muskogee, Indian Territory, February 19, 1906.

Martha Washington,

Foreman, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. Your attorneys, Neal & London, Fort Smith, Arkansas, have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

W. O. Beall
Acting Commissioner.

Incl. CL-98.
GHL

REGISTER.

Cherokee
F R Bob et al.

Muskogee, Indian Territory, February 19, 1906.

Neal & London,

Attorneys for Martha Washington, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in these cases.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Wm O. Beall
Acting Commissioner

Incl. GL-101.
GHL

C.

Muskogee, Indian Territory, February 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting said applications.

Respectfully,

(SIGNED) Wm O. Beall
Acting Commissioner.

Incl. GL-103.
GML

Through the Commissioner
of Indian Affairs.

(C O P Y)

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS

WASHINGTON.

May 17, [illegible]

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated February 24, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Martha Washington for her self; by Daniel Williams for himself; and by Ulysses Grant Williams for himself.

February 19, 1906, the Commissioner decided adversely to all the applicants.

The record shows that the principal applicant, Martha Washington, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, and did not return thereto and establish a residence therein on or before February 11,1867; that the other applicants are children of Martha Washington, born since the close of the war, and possess no rights to Cherokee citizenship other than as her descendants.

In view of the record the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully

C. F. Larrabee

Acting Commissioner

G.R.

LLB

(C O P Y)

I.T.D. 9042-1906

L R S

DEPARTMENT OF THE INTERIOR

WASHINGTON.

May 31, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Sir:

In accordance with the recommendation of the Indian Office of May 17, 1906, your decision of February 19, 1906, denying the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams as Cherokee freedmen, is hereby affirmed.

A copy of Indian Office letter is inclosed.

Respectfully,

(Signed) JESSE E. WILSON
Assistant Secretary.

1 inclosure.

Cherokee Freedman
R 848

Muskogee, Indian Territory, June 13, 1906.

Martha Washington,
Foreman, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 19, 1906, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior May 31, 1906.

Respectfully,

Commissioner.

MWP

Cherokee Freedmen
B 341.

Muskogee, Indian Territory, June 13, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications of Martha Washington, Ulysses G. and Daniel Williams, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith copy of Departmental Decision referred to.

Respectfully,

Encl. A-29.

M.A.

Commissioner.

Cherokee Freedman
R 243

Muskogee, Indian Territory, June 13, 1906.

Neal & London,

Attorneys for Martha Washington,

Ft. Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 19, 1906, rejecting among others, the application for the enrollment of Martha Washington, as a Cherokee freedman, was affirmed by the Secretary of the Interior May 31, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

Incl.P-28
MMP

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 30 1902

[illegible]

CHEROKEE FREEDMEN.

Dead [illegible]
Post Office [illegible]
Doubtful [illegible]

1. Name
Chowder's number
Age
Citizenship
Year Page No. District
Parents
Father
Mother Citizenship
2. Name of wife Martha Washington Citizenship
Chowder number Age 59
Citizenship
Year Page No. District
Parents:
Father [illegible] Dead Citizenship [illegible]
Mother [illegible] Dead Citizenship [illegible]
Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Stenographer

Cher. Fr. R. 344

Trans. Cher. Fr. 37

Cher. Fr. R. 344

[illegible]

[illegible]

[illegible]

[illegible] being first duly sworn, states that as stenographer to the Commission of the Five Civilized Tribes he correctly took the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Jesse [illegible] Cary,

Subscribed and sworn to before me this 12th day of July, 1906.

(SEAL)

(Signed) J. G. Hunter,
Notary Public.

Cora E. Glenderning, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she copied the foregoing transcript, and it is a true and correct copy of a document on file with the Commission in the case of Henry W. Dean.

Cora Glenderning.

Subscribed and sworn to before me this 31st day of August, 1906.

Charles H. Sawyer
Notary Public.

Cherokee Freedmen D-141.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Henry Walker Bean, Della Bean, Manetee Bean and Pearlie Bean as Cherokee Freedmen.

--o--

D E C I S I O N.

The record herein shows that on June 30, 1902, Henry Walker Bean appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and three minor children, Della, Manetee and Pearlie Bean as Cherokee Freedmen.

The evidence herein shows that the principal applicant, Henry Walker Bean was born in the Cherokee Nation and resided in said Nation until some time between the years 1860 and 1862, when he removed outside the limits of the Indian Territory, and has never since resided therein. The minor applicants herein are the children of said Henry Walker Bean and possess no rights to enrollment other than as his dependants.

It does not appear that the applicants herein have ever been re-admitted to citizenship in the Cherokee Nation, and they can not be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Henry Walker Bean, Della Bean, Manetee Bean and Pearlie Bean, as Cherokee Freedmen should be denied under the provisions of section twentyone of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this AUG 21 1907

Cherokee Freedmen

D-144.

Muskogee, Indian Territory, August 31, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Henry Walker Bean for the enrollment of himself and his three minor children, Nella, Wanotee and Pearlie Bean, as Cherokee freedmen, including the Commission's decision dated August 23, 1904, rejecting said application.

Respectfully,

Tams Bixby

Chairman.

Encl. S-63.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
D-64.

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 26, 1904, rejecting the application of Henry Walker Dean for the enrollment of himself and his three minor children, Della, Manetee and Pearlie Dean, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for a new decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Dixby.
Chairman.

Encl. 3-62.

Cherokee Freedmen

D-844.

Muskogee, Indian Territory, August 31, 1904.

Henry Walker Bean,

Humboldt, Kansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your three minor children, Della, Manetee and Pearlie Bean, as Cherokee freedmen, together with a copy of the Commission's decision, dated August 26, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for a new decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Encl. S-61.

COPY

Refer to reply
to the following
Land
[illegible]

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 28, 1904

The Secretary,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commissioner to the Five Civilized Tribes, dated September 6, 1904, transmitting the record of the application for the enrollment as Cherokee freedmen by Henry Walker Bean for himself and his three minor children, Felix, Vanotee and Pearlie Bean.

August 26, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant Henry Walker Bean was born in the Cherokee Nation and resided therein until sometime between the years 1860 and 1862 when he removed outside the limits of the Indian Territory, and has never since resided therein. The minor applicants are the children of Henry Walker Bean, and possess no rights to enrollment other than through him. None of the applicants is identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner
Acting Commissioner

M.M.M.
W.

[illegible] COPY.

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

October 6, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 31, 1904, you transmitted the record of proceedings in the matter of the application of Henry Walker Bean for the enrollment of himself and his three minor children, Nella, Manotee and Pearlie Bean, as Cherokee freedmen, including your decision of August 25, 1904, rejecting said application.

Reporting in the matter September 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
R-344.

Muskogee, Indian Territory, October 28, 1904.

Bell, Mastin and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated August 28, 1904, rejecting the application for the enrollment of Henry W. Bean, and children, Della, Manotes and Pearlie Bean, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 6, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
Roll.

Washington, Indian Territory, October 24, 1904.

Jerry T. Dean,

Humboldt, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision, dated August 18, 1904, rejecting the application for the enrollment of yourself, and minor children, Nellie, Manotee and Pearlie Dean, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 6, 1904.

Respectfully,

Tams Bixby,
Chairman.

CHEROKEE FREEDMEN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1902

Enrollment Bureau of Commissioners

CHEROKEE FREEDMEN

Post Office

Chickasaw

1. Name [illegible] Age [illegible]

Owner's name Citizenship

Year Page No. District

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Family of Children:

1. [illegible] Year Page No. Dist. 18
2. [illegible] Year Page No. Dist. 15
3. [illegible] Year Page No. Dist. 6
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Stenographer

Chem. Fr. R. 345

Trans. Chem. Fr. 38

Chem. Fr. R. 345

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 1st, 1902.

In the matter of the application of Gertrude Miller for the enrollment of herself as a Cherokee Freedman.

Appearances:

Applicant appears in person.
Cherokee nation by S. T. Hastings.

Gertrude Miller, being duly sworn, testified as follows:--

Examination by the Commission.

Q What is your name? A. Gertrude Miller.
Q How old are you? A. About 29.
Q What is your postoffice address? A. Checotah.
Q What district do you live in in the Cherokee Nation?
A Cooweescoowee.
Q Do you make application for the enrollment of yourself as Cherokee Freedman? A. Yes, sir.
Q Do you apply for any one besides yourself? A. No, sir.
Q What is the name of your father? A. My father's name was Hickel.
Q Have any given name? A. Elias Hickel.
Q Is he living or dead? A. He is dead.
Q Was he a Cherokee Freedman or state man? A. State man.
Q What is your mother's name? A. She is named Margaret.
Q Is she living? A. Yes, sir.
Q What is her name now? A. She is named Hickel now.
Q You claim she was a Cherokee Freedman? A. Yes, sir.
Q Where were you born? A. I was born in Sequoyah district.
Q Have you ever been recognized by the tribal authorities as a citizen of the Cherokee nation? A. My mother has.
Q Have you. A. I never went before them.
Q Have you ever drawn any money? A. No sir.
Q How long has your mother been named Hickel? A. I don't know
Q How long have you lived in the Cherokee nation? A. Yes sir.
Q Never been out of the Cherokee nation? A. No sir; not that I can remember.
Q Never been to Kansas? A. No, sir.
Q Missouri? A. No sir.
Q How long have you been named Miller? A. I been named Miller about 11 or 12 years.

Examination by Mr. Hastings:

Q Wasn't your father name Hickel? A. Yes, sir, my father's name is Hickel.
Q Well, you are 29. Your mother must have married your father about 30 years ago. Has your mother applied for citizenship? A. Yes sir.
Q Under what name? A. Under Ellis. Her peoples name.
Q Margaret Ellis? A. Yes sir.
Q Who did she belong to? A. Jack Ellis. Her young master was named Mitchell Ellis. He was to be here to-day, but I don't know him.

Surname Miller-40

The roll of 1880, census roll of 1896, Tahlequa roll and Twenty-fifth roll of Cherokee Freedmen examined and neither the applicant or her mother are identified therein.

Certificate filed application for the enrollment of herself as a Cherokee Freedman. A. Whether she may be mother are identified upon any of the tribal rolls not in the possession of the commission. This application concerning the provisions of the temporary injunction recently granted by Judge Hall of the United States Court for the northern district of Indian Territory and under the provisions of said injunction this commission is without authority to receive, consider or make any record of the application of said Certificate Miller for the enrollment of herself as a Cherokee Freedman.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) JESSE O. CARR

Subscribed and sworn to before me this 18 day of July, 1902.

(Signed) F. O. Reuter
Notary Public.

(S E A L)

-o-o-o-o-o-o-o-o-o-o-o-

Lucy M. Bowman, being under oath, states that as stenographer to the commission to the Five Civilized Tribes she made the above and foregoing copy, and that same is a full, true and complete copy of theoriginal transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 27th day of May, 1908

W. S. Nicholas
Notary Public

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 1st, 1906.

In the matter of the application of Gertrude Miller for the enrollment of herself as a Cherokee Freedman.

Appearances:

Applicant appears in person.
Cherokee nation by W. W. Hastings.

GERTRUDE MILLER, being duly sworn, testified as follows:--

Examination by the Commission.

Q. What is your name? A. Gertrude Miller.
Q. How old are you? A. About 29.
Q. What is your post office address? A. Chisteen.
Q. What district do you live in in the Cherokee nation?
A. Coowescoowee.
Q. Do you make application for the enrollment of yourself as a Cherokee Freedman? A. Yes, sir.
Q. Do you apply for any one besides yourself? A. No, sir.
Q. What is the name of your father? A. My father's name was Hickel.
Q. Have any given name? A. Elias Hickel.
Q. Is he living or dead? A. He is dead.
Q. Was he a Cherokee Freedman or state man? A. State man.
Q. What is your mother's name? A. She is named Margaret.
Q. Is she living? A. Yes, sir.
Q. What is her name now? A. She is named Hickel now.
Q. You claim she was a Cherokee Freedman? A. Yes, sir.
Q. Where were you born? A. I was born in Sequoyah district.
Q. Have you ever been recognized by the tribal authorities as a citizen of the Cherokee nation? A. My mother has.
Q. Have you. A. I never went before them.
Q. Have you ever drawn any money? A. No, sir.
Q. How long has your mother been named Hickel? A. I don't know.
Q. How long have you lived in the Cherokee nation? A. Yes, sir.
Q. Never been out of the Cherokee nation? A. No, sir; not that I can remember.
Q. Never been to Kansas? A. No, sir.
Q. Missouri? A. No, sir.
Q. How long have you been named Miller? A. I been named Miller about 11 or 12 years.

Examination by Mr/ Hastings.

Q. Wasn't your father named Hickel? A. Yes, sir; my father's name is Hickel.
Q. Well, you are 29. Your mother must have married your father about 30 years ago. Has your mother applied for citizenship?
A. Yes, sir.
Q. Under what name? A. Under Ellis. Her peoples name.
Q. Margaret Ellis? A. Yes, sir.
Q. Who did she belong to? A. Jack Ellis. Her young master was named Mitchell Ellis. He was to be here to-day, but I don't know him.

The roll of 1880, census roll of 1896, Wallace roll and Kerwin-Clifton roll of Cherokee Freedmen examined and neither the applicant or her mother are identified thereon.

Gertrude Miller applies for the enrollment of herself as a Cherokee Freedman? A. Neither she nor her mother are identified upon any of the tribal rolls now in the possession of the commission. This application comes within the provisions of the temporary injunction recently granted by Judge Gill of

[redacted]

[redacted] being first duly [redacted] of [redacted] to the [redacted] to the [redacted] carefully reported the testimony [redacted] and that the foregoing is a true and correct [redacted] of the photographic notes thereof.

Subscribed and sworn to before me this [redacted] day of July, [redacted].

[redacted]

Cherokee Freedman R-848

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 17, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Gertrude Miller as a Cherokee Freedman.

On October 18, 1904, the applicant was notified by registered mail, and on October 28, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Gertrude Miller as a Cherokee Freedman, would be taken up by the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, on the 17th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this 17th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-oOo-o-o-o-o-

H.M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 15 day of December 1904.

Charles W Harrison
Notary Public.

Cherokee Freedman
A 348

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gertrude Miller as a Cherokee freedman.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on July 1, 1902, Gertrude Miller appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Cherokee freedman. The record further shows that on July 7, August 9, and October 12, 1904, the Commission, by registered letters, all of said letters being duly receipted for, notified the applicant herein that she would be permitted to appear at its offices in Muskogee, Indian Territory, and introduce further proof in support of her application; and that upon her failure to appear this case was, on November 17, 1904, submitted upon the evidence now of record.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, on July 1, 1902, in support of her application for enrollment as a Cherokee freedman, testified that she is about twenty-nine years old, is the daughter of one Margaret Nickel, nee Ellis, and one Elias Nickel, deceased, who was a non-citizen of the Cherokee Nation, and that her mother made application to this Commission for enrollment as a Cherokee freedman under the name of Margaret Ellis.

The records of the Commission fail to show that application has ever been made for the enrollment as a Cherokee freedman, of anyone under the name of either Margaret Nickel or Margaret Ellis, and neither the said applicant herein nor her mother can be identified on any roll of the Cherokee Nation in the possession of the Commission.

FINDINGS OF FACT AND CONCLUSIONS: It is considered by the Commission that ample opportunity has been afforded this applicant to establish by satisfactory evidence her right to enrollment as a Cherokee freedman, and that she has failed to do so, notwithstanding her application cannot stand the precedent of the decisions in the cases of Ellen Bryant, (C.R.D. 644-64) William Barber, (C.R.D. 1448-64), Minnie Hanson et al. (C.R.D. [illegible]), Jennett Chambers (C.R.D. [illegible]), Dr Williams, (C.R.D. 4034-06) and Rosa Ross, (C.R.D. 6084-06).

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION that the application for the enrollment of Serenda Killgo as a Cherokee freedman, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1906 (34 Stats, 536), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman

T. B. Needles.
Commissioner

C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,
this MAY 27 1907

[illegible]

[illegible], Indian Territory, [illegible]

W. F. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of [illegible] for enrollment as a Cherokee freedman Parish, [illegible], you are advised that before the Commission can render a final decision in this case it will be necessary that further evidence be presented tending to show whether or not the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion, whether or not she returned to the Indian nation within a year as allowed in the treaty of 1866, and be so to the satisfactory evidence of an alien barred.

The affidavit has therefore been prepared to be presented before the Commission at its office in Muskogee, at nine o'clock A. M. on Tuesday, July 26, 1904, and give testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

[illegible]

Cherokee Freedman [illegible]

Muskogee, Indian Territory, July [illegible], 1904.

[illegible],

Cherokee Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a decision in your case it will be necessary that you introduce further testimony tending to show whether or not your mother was the slave of a Cherokee citizen at the commencement of the war of the rebellion; whether or not she returned to the Cherokee Nation within the time allowed in the Treaty of 1866, and as to your residence since birth.

You are, therefore, hereby directed to appear before the Commission at its office in Muskogee, at nine o'clock A.M., on Tuesday, July 26, 1904, and introduce testimony as above indicated.

Respectfully,

Registered.

T. B. Needles.
Commissioner in Charge.

[illegible] Freedmen [illegible]

[illegible] Muskogee, Indian Territory, [illegible] 5, 1904.

[illegible] Miller,

[illegible] Muskogee, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in your case it will be necessary that you introduce further testimony tending to show whether or not your mother was the slave of a Cherokee citizen at the commencement of the war of the rebellion; whether or not she returned to the Cherokee Nation within the time allowed in the Treaty of 1866, and as to your residence since birth.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M. on Wednesday, September 14, 1904, and introduce testimony as above indicated.

Respectfully,

Registered.

T. B. Needles,
Commissioner in Charge.

September 13th, 1906.

Mr. Mitchel Ellis,

Sallisaw, I. T.

Dear Sir:-

Some time ago a colored woman by the name of Gertrude Miller, age 29 years Post Office Choutea I. T. who gave her fathers name as Elias Vickel and Mothers name as Margaret, applied to the Commission to be enrolled as a freedman Citizen of the Cherokee Nation, and stated in her testimony that you was her young Master. Please write us whether or not youknow this applicant, whether or not you knew her Mother, whether or not your parents owned her Mother, and what you

Place of their residence since the war,

Yours Truly,

Attorneys for the Cherokee Nation,

[illegible]

[illegible] Indian Territory, October 14, 1904.

[illegible]

Tahlequah, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in your case, it will be necessary that you introduce further testimony showing to show whether or not your mother was a slave of a Cherokee citizen at the commencement of the war of the rebellion, whether or not she returned to the Cherokee Nation within the time specified within the treaty of 1866, and as to your residence since birth.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M. on Thursday, November 17, 1904, to introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Registered.

T. B. Needles.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
R-348.

Muskogee, Indian Territory, May 27, 1908.

Hall, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting the application for the enrollment of Gertrude Miller as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Inc1. R-115.

Cherokee Freedmen

S-148.

Muskogee, Indian Territory, May 27, 1908.

Gertrude Miller,

Chouteau, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 27, 1908, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-114
Register

(SIGNED) Tams Bixby.
Chairman.

Cherokee Freedman
S-116.

Muskogee, Indian Territory, May 27, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Gertrude Miller as a Cherokee freedman, including the Commission's decision dated May 27, 1908, rejecting said application.

Respectfully,

(SIGNED) Tams Dixby.
Chairman.

Incl. S-116

Through the

Commissioner of Indian Affairs.

Refer to reply to the following:

Land.

[illegible]-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

June 1, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated May 27, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Gertrude Miller.

May 27, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant alleges that she is about twenty nine years of age and is the daughter of one Margaret Hickel, born Ellis, and on Elias Hickel, deceased, who was a non-citizen of the Cherokee Nation, and that her mother made application to the Commission as a Cherokee Freedman under the name of Margaret Ellis.

The record fails to show application for enrollment of either Margaret Hickel or Margaret Ellis, and neither the applicant nor her mother can be identified on any tribal roll of the

[illegible]

Cherokee Nation

In view of the record the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

(Signed) [illegible]

Acting Commissioner.

[illegible]

[illegible]

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. [illegible]. [illegible] 1905.

[illegible]

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 27, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Gertrude Miller as a Cherokee freedman, including its decision of the same date, rejecting said application.

Reporting June 5, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

Cherokee Freedmen

R-848.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 16, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1906, rejecting the application for the enrollment of Gertrude Miller as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 4, 1906.

For your information there is inclosed herewith copy of Departmental letter referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

L5

Incl. S-42

Cherokee Freedmen

Muskogee, Indian Territory, August 18, 1908.

Gertrude Miller,

Chetopa, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 27, 1908, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 4, 1908.

For your information there is inclosed herewith copy of Departmental letter referred to.

Respectfully,

Wm O Beall

Acting Commissioner.

LS

Incl. S-41

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 1 - 1902

[illegible]

CHEROKEE FREEDMEN

Date [illegible]
Tribal Card [illegible]
Denied [illegible]

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____
2. Name of wife [illegible] Age [illegible]
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents:
Father [illegible] - dead - Citizenship [illegible]
Mother [illegible] " living Citizenship [illegible]
Names of Children:

3. _____ Year _____ Page _____ No. _____ Dist. _____
4. _____ Year _____ Page _____ No. _____ Dist. _____
5. _____ Year _____ Page _____ No. _____ Dist. _____
6. _____ Year _____ Page _____ No. _____ Dist. _____
7. _____ Year _____ Page _____ No. _____ Dist. _____
8. _____ Year _____ Page _____ No. _____ Dist. _____
9. _____ Year _____ Page _____ No. _____ Dist. _____
10. _____ Year _____ Page _____ No. _____ Dist. _____
11. _____ Year _____ Page _____ No. _____ Dist. _____
12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by _____ Stenographer _____

Denied

Cher. Fr. R. 346

Trans. Cher. Fr. 39

Cher. Fr. R. 346

8N39

AUG 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 28, 1902.

In the Matter of the Application for the enrollment of JACKSIE ANN MARKHAM ET AL, as Cherokee Freedmen.

OSCAR MARKHAM, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Oscar Markham.
Q What is your age? A My age is 34 if I am not mistaken. I was born in '64.
Q What is your postoffice address? A Wagoner.
Q Are you a Cherokee Freedman? A Yes, I am.
Q Have you made application to this Commission for your own enrollment? A Yes, sir, I made application----in April.
Q Is your name on any roll? A Yes, sir, my name is on the roll.
Q Whom do you wish to have enrolled now? A My wife.
Q What is her name? A Jackzie Ann.
Q How old is she? A She is 17 going on----no, she is 20.
Q Are you and she living together at this time? A Yes, sir, we are living together.
Q Why did you not include her in the application made in April?
Q We weren't living together then, we were separated.
Q Are you living together now? A Yes, sir, living together, since last September.....
Q How long have you been married? A I was married in '99, first day of January.
Q What was her name before you married her? A Jackzie Ann Fuller.
Q Does her name appear upon any of the Cherokee Rolls? A No, sir, I don't think it does.
Q Did she ever draw any money in the Cherokee Nation? A No, sir.
Q What was her father's name? A His name was A. Fuller.
Q What was her mother's name? A Mother's name was Matt Fuller.
Q Was her mother a Cherokee? A Yes, sir, her mother was a Cherokee.
Q Was her father a Cherokee? A No, sir, her father was not a Cherokee.
Q Do you wish to include anyone else in the application? A Only these children.
Q What children are these? A That's my wife's sisters and brothers.
Q Are they all under age? A No, sir.
Q Any of them married? A Only two of them married. The eldest only has been enrolled.
Q Give me the names of those who are under 21 and who have not been married? A Nettie Fuller, she is not married. She is under age.
Q How old is she? A I don't know exactly how old she is; she is about 18.
Q What is the next one's name? A The other one is Myra Fuller.
Q How old is she? A I think she is----there is just a year's difference in all the children's ages.
Q What is the next one? A Next one is Bud Fuller.
Q How old is Bud? A I don't know how old he is.
Q 16? A 16 I think, there is just a year's difference in the ages.
Q What is the next one? A Cynthia Fuller.
Q How old is she? A I think she is 9.
Q What is the one after Cynthia? A Dick Fuller.
Q How old is Dick? A Let's see----
Q Well, how old is Dick? A I think Dick is 8, between 7 and 8.

Q What is the next? A Peter.
Q How old is Peter? A I think he is 4 or 5; I don't know just exactly how old he is.
Q Is Peter the last one? A Yes, that is the last child.
Q Is Nettie married? A No, sir, she is not married.
Q Has she been enrolled? A No, sir, she has not been enrolled.
Q None of these children, whose names you have given us, have been enrolled? A No, sir, they has not been enrolled; they are all orphan children.

The tribal rolls of the Cherokee Nation in the possession of this Commission examined and none of the applicants or their parents identified thereon.

Under the temporary injunction granted by the United States Court for the Northern District of Indian Territory, this Commission is without authority to receive, consider, or make any record of the application, which Oscar Markham makes for the enrollment of Jookaie Ann Markham and her brothers and sisters as named in the testimony, and only a memorandum will be made of this application.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, being duly sworn, state that I recorded the testimony and proceedings in this case, and that the above and foregoing is true and correct transcript of my stenographic notes thereof.

Robert T. Maynard

Subscribed and sworn to before me this 29th day of August, 1902.

B A Jones
Notary Public.

[illegible]

[illegible]

In the matter of the enrollment of [illegible] Cherokee freedmen of Jackson County, Oklahoma, [illegible] Ewe Fuller, Cornelia Fuller, Ewe Fuller [illegible]

Cunnigan Venn, being duly sworn and examined by the Commission, testified as follows:

Q What is your name?
A Cunnigan Venn.
Q What is your age?
A 22.
Q What is your postoffice address?
A Choteau.
Q Are you a Cherokee freedman?
A Yes sir.
Q Are you married?
A No sir. Nettie was my wife but she is dead now.
Q Nettie who?
A Nettie Fuller.
Q Was Nettie Fuller a Cherokee freedman?
A Yes sir; I suppose she was, but she never did get her citizenship straightened up.
Q Was she enrolled under the name of Nettie Fuller?
A Yes sir.
Q She had an older sister named Jabkeie Ann Markham?
A Yes sir.
Q When were you and she married?
A Last November.
Q November what?
A 1903.
Q You say she is dead now?
A Yes sir.
Q When did she die?
A The 15th of last April.

I, J. F. Gaskill, being duly sworn, state that as stenographer for the Commission to the Five Civilized Tribes, I correctly recorded the foregoing proceedings and testimony and that the same is a true and correct transcript of my stenographic notes.

J. F. Gaskill

Subscribed and sworn to before me this 27 day of August 1906.

Samuel Foreman
Notary Public.

FILED
DEC 1 1 1908
COMMISSION TO FIVE TRIBES.

Transcript 7 D-[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., SEPTEMBER 14, 1904.

SUPPLEMENTAL PROCEEDINGS HAD IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF JACKSON AND MARTHA ET AL., AS CHEROKEE FREEDMEN.

It appears that on August 9, 1904, notice that this cause would be taken up for the hearing of testimony on September 14, 1904, was mailed to the applicant and to the Attorneys for the Cherokee Nation.

APPEARANCES:
No appearance on behalf of the applicant.
Cherokee Nation by its representative, J. S. Davenport.

F. D. MYRICK, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:
Q What is your name? A F. D. Myrick.
Q What is your age? A 69.
Q What is your post office address? A Mapleton, Kansas.
Q How long have you lived at Mapleton, Kansas? A Since December, 1886.
Q Did you ever know a colored family during the time you have been living at Mapleton, Kansas, by the name of Jack and Cynthia McNair? A Yes sir.
Q When did you first get acquainted with them? A In about 1865.
Q Did you know any of their children, Mr. Mirick? A No sir, I don not remember the children outside of one of the oldest ones.
Q What was her name? A Martha.
Q How lond did they live at or near Mapleton after you got acquainted with them? A Jack lived there until he died, and Cynthia lived there until she married.
Q How long did Martha stay there after you got acquainted with them? A She stayed there until she growed up and raised a family it was along about '78 or '79, it was in about 1882 the last year I ever recollected of seeing her.
Q Do you know whether Martha married while she lived up there?
A Yes sir.
Q Did you ever hear what her husband's name was? A Yes sir.
Q What was it? A Dave Fuller.
Q Did Fuller ever move away from that country? A No sir he died there, that was the report, I didn't see him after he was dead.
Q That was about how long after he and Martha McNair were married?
A It must have been ten or twelve years, ten years anyway.
Q As I understand you got acquainted and knew the McNair family, Jack, Cynthia and Martha about that time? A About '63 or '64.
Q And they continued to live there until Martha was grown and married? A Yes sir lived in half a mile from me.
Q And Martha continued to live there until after Dave Fuller, her husband died? A Yes sir.

Q Do you know what became of them then? A She married another fellow by the name of, it is hearsay, I don't know, I saw the woman about '76 or '78, but I never kept much run of her after that.

Q Do you remember who it was said she married after Dave Fuller died? A Yes sir, I do after I thinx a minute, a man by the name of Gibson.

BY THE COMMISSION:

Q You say you first began knowing this Martha McNair, who afterwards married one Dave Fuller about 1863 or '64, is that right?

A No sir, 1873 or '74.

Q Didn't know them until '70's? A Not the girl I didn't, but her mother, Cynthia and Jack McNair in about 1864.

Q You first knew Jack and Cynthia during the rebellion? A Yes sir about '63 or '64 when they come out there with the refugees.

Q And you were living at that time near Mapleton, Kansas? A Yes sir.

Q How long did you know these people continuously? A I knew Jack until he died and I knew Cynthia until she married Bruce Price.

Q When did Jack die? A He died sometime along, I think about '71 or '72, '81 or '82 I mean.

Q When did Cynthia marry again after Jack's death? A It must have been 1885.

Q Do you know when this Martha McNair was born? A No sir I don't know when she was born.

Q When was ~~xxx~~ it you first remember of knowing Martha McNair?

A She lived with her parents down a half mile below me, it has been a long time, I recollect that Martha growed up to be a good big girl, probably ten or twelve years old and was a real fleshy girl and a white negro.

Q When did you first know Dave Fuller? A Well I knew Dave Fuller along in, I think, about 1870 I would say.

Q You never knew Dave Fuller prior to 1870? A I might have known him, I knew him about then.

Q You didn't know Dave Fuller until after 1867 did you? A No sir.

Q And when was Dave Fuller and Martha married do you know? A Dave Fuller and Martha married along sometime in, might have been married in about '75 or '78, and I will say they were living there on the hill in about 1881 or '82 together, Fuller lived there until he died.

This was all the testimony submitted in this case on this date.

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H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 13 day of December, 1904.

Charles N. Sawyer
Notary Public.

FILED
DEC
COMMISSION TO FIVE-T BOXES

Cherokee Freedman D-148

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. November 18, 1904.

[illegible] IN THE MATTER OF the application for the enrollment of Jacksie Ann Markham, et al., as Cherokee Freedmen.

It appears that on the 12th day of October, 1904, the applicant, Jacksie Ann Markham, her attorneys and the attorney for the Cherokee Nation, were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 18th day of November, 1904, and then and there introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant appears by her attorneys, Blue & Bulger, Cherokee Nation by W. W. Hastings.

JIM ALBERTY, being first duly sworn testifies as follows:

BY MR. BULGER:
Q What is your name? A Jim Alberty.
Q How old are you Mr. Alberty? A I am 70 some odd years old
Q Where do you live? A In Saline District, Cherokee Nation.
Q Are you a citizen of the Cherokee Nation? A Yes,sir.
Q Are you acquainted with Jacksie Ann Markham? A Yes,sir
Q How long have you known Jacksie Ann Markham?
A Ever since she was a right small girl; before she was grown.
Q Where did you first know her? A At Wig Markham's was where I knew her first.
Q About how old is Jacksie Ann Markham? A I don't know ,sir.
Q Did you know her before the war? A No,sir, Jacksie Ann warn't born then.
Q Did you know her mother? A Yes,sir
Q Did you know Jacksie Ann's father? A Yes,sir
Q Were they slaves of a citizen of the Cherokee Nation? A Yes sir
Q To whom did they belong? A Nick McNair.
Q Were they the slaves of Nick McNair at the commencement of the rebellion? A Her mother was
Q Who was her father the slave of? A Jack McNair.
Q Were the older Markham's living in the Cherokee Nation when Jacksie Ann was born . A I don't know where she was born
Q Do you know where Jacksie Ann Markham was born? A No,sir
Q About how long have you known her? A I have known her ever since they were making that Roll, the Kerns-Clifton Roll
Q Do you know whether or not Jacksie Ann Markham's father and mother went out of the Cherokee Nation during the war of the Rebellion? A I didn't see them go out. The went somewheres.
Q Do you know when they came back here? A No, sir
Q When was the first time after the war that you saw them in he Cherokee Nation? A Right here at Wig Markham's.
Q About when? A They was there when that roll was made.

BY MR. HASTINGS:
Q When they was making that Kerns-Clifton Roll? A Yes,sir.

It is agreed that the three-fifths Roll was made in 1896.

DAVE VANN, being first duly sworn, testified as follows:

BY MR. BOWMAN:

Q What is your name? A Dave Vann.
Q Are you a resident of the Cherokee Nation? A Yes,sir
Q Citizen of the Cherokee Nation? A Yes,sir.
Q Are you acquainted with Jackalie Ann Markham? A Yes,sir.
Q How long have you known Jackalie Ann Markham?
A Well, I have known her about seven years, eight years.
Q You have known her seven or eight years? A Yes,sir.
Q Is she any relation to you? A She is my neice, my sister's daughter.
Q Who were the parents of Jackalie Ann Markham? A I don't know her father at all.
Q Who was her mother? A Her mother was my sister.
Q Was her mother a slave at the commencement of the war of the rebellion? A Yes,sir.
Q Who did she belong to? A Belonged to Rich McNair, her and me both
Q How old is Jackalie Ann Markham? A I don't know.
A About how old? A Just a young woman, married. We and my sister was separated when she was small, and I was just a shank of a boy, we had different fathers, but the same mother, and our mother died before the war come up, here in the Cherokee Nation.

It is agreed by the Attorneys for the Applicants and the Cherokee Nation that this case shall be closed.

-o-o-o

Cherokee Freedmen
R 346

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackie Ann Markham et al., as Cherokee Freedmen.

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D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on August 23, 1902, Oscar Markham appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his wife, Jackie Ann Markham, and her brothers and sisters, Nettie, Myra, Bud, Cynthia, Dick and Peter Fuller, as Cherokee Freedmen. Further proceedings in the matter of said application were had on August 23, 1904, at Tahlequah, and on September 14, and November 15, 1904, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That one Martha Fuller, nee McNair, is the mother of the applicants herein; that the said Martha Fuller was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Mowes Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to said Nation; and that the applicants herein were born since 1866, and possess no rights to enrollment as Cherokee freedmen other than as descendants of their said mother. (Cherokee Freedman Enrollment card No. R 346, shows that Dave Fuller, deceased, the father of the applicants herein, was a non-citizen of the Cherokee Nation.) An examination of the records of this Commission fails to show that application has ever been made for the enrollment as a Cherokee freedman, of the said

neither of these applicants, either under the name of Martha Fuller, Martha Fuller or Martha Gibson, the above named the testimony indicating she was known by, Neither the said Martha Fuller nor the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION that the application for the enrollment of Jackie Ann Harkins, Willie Fuller, Jerry Fuller, Mae Fuller; Cynthia Fuller, Dick Fuller and Peter Fuller, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 20 1905

-0071-

D. C. 27996.

Washington, D. C.,

Mr. Secetary.

Dear Sir:

I wish to know how is Jackie Markham and her sister case. I would like to hear from yo wheather they is all right on the Cherokee roll. All so how is Alice Vann is she all right on the Cherokee Roll. She is the daughter off Been Vann age 20. Born in 1886. All so pleas look for Boode Markham name if yo pleas for he is a good citizen off the Cherokee Nation but he can't bee found just right on the rool.

Mr. Setary pleas your Honer thee is lots off peapoles left offer the rool by ther nick name what are yo going to do with those colord people which are night Hawks and Want filed filed for his self Pleas let me know so I can tell them what to do Mr Secatary it is a shame for my peaples to bee left off the rool ther is Georg Vann. Just as a good citizen as James Keys Hoping I may hear from yo soon Oblige

Oscar Markham,

Chauteaw

Cherokee Int

Cherokee Freedmen

M-346.

Muskogee, Indian Territory, July 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Oscar Markham for the enrollment of his wife, Jacksie Ann Markham, as a Cherokee freedman M-346, (old No. Mem. 39), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the mother or father of Jacksie Ann Markham was the slave of a Cherokee citizen at the commencement of the war of the rebellion; whether or not they returned to the Cherokee Nation within the time allowed in the Treaty of 1866; and as to Jacksie Ann Markham's residence since birth.

The applicant has therefore this day been directed to appear beofre the Commission at its offices in Muskogee, at nine o'clock A. M., on Tuesday, July 26, 1904, and give testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-221.

Muskogee, Indian Territory, July 9, 1904.

Oscar Markham,

Wagoner, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Jackie Ann Markham, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony tending to show whether or not your wife's father or mother was the slave of a Cherokee citizen at the commencement of the war of the rebellion, whether or not they returned to the Cherokee Nation within the time allowed in the Treaty of 1866; and as to your wife's residence since birth.

You are therefore hereby directed to appear before the Commission at its office in Muskogee, at nine o'clock A. M., on Tuesday, July 26, 1904, and introduce testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

Cherokee Freedmen

Enrol.

Muskogee, Indian Territory, August 9, 1904.

Oscar Markham,

Wagoner, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Jackie Ann Markham, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony tending to show whether or not your wife's father or mother was the slave of a Cherokee citizen at the commencement of the war of the rebellion; whether or not they returned to the Cherokee Nation within the time allowed in the Treaty of 1866; and as to your wife's residence since birth.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 14, 1904, and introduce testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

Cherokee Freedmen
E 546

Muskogee, Indian Territory, August 16, 1904.

Oscar Markham,

Choteau, Indian Territory.

Dear Sir:

The commission is in receipt of your letter of August 14, asking to be advised as to the status of your application for the enrollment of your wife, Jacksie Ann Martin, and children as Cherokee freedmen. You state that your present postoffice address is Choteau, Indian Territory.

In reply you are advised that a letter has recently been addressed to you at Wagoner, Indian Territory, directing you to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday September 14, 1904, and introduce further testimony as to whether your wife's parents were slaves of Cherokee citizens at the commencement of the war of the rebellion, the date of their return to the Cherokee Nation after the war, and the residence of your wife and children since their births. You are requested to give this matter your prompt attention and be present on the date mentioned prepared to submit the testimony of such witnesses as you may be able to procure touching the points mentioned.

The Commission's records have been corrected so as to show

vbo

your present postoffice address.

Respectfully,

Lane Libby.

Commissioner in Charge.

Your File Reference,
[illegible]

Muskogee, Indian Territory, October 15, 1904.

Jennie Ann Vaughan,
Choteau, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor brothers and sisters as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, November 15, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your said application.

Respectfully,

Tams Bixby
Commissioner in Charge.

Register.

November 21, 1904.

Melvina Williams, et al., Cherokee Freedmen D-1672.

Calvin Geins, et al., Cherokee Freedmen D-173.

November 22, 1904.

Charlotte Potts, et al., Cherokee Freedmen D-320.

November 23, 1904.

Eliza Robinson, Cherokee Freedmen D-161.

Nancy Fairchild, et al., Cherokee Freedmen D-326.

November 27, 1904.

Charley Rowland, et al., Cherokee Freedmen D-335.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Encl. 19, 06.

Cherokee Freedmen
D-64.

Muskogee, Indian Territory, December 18, 1904.

Elam & Bulger, Attorneys for
Jackson Ann Markham, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory on November 18, 1904, in the matter of the application for the enrollment of Jackson Ann Markham, et al., as Cherokee Freedmen, together with a blank receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

Tams Bixby.
Chairman.

Encl. 00-25.

Muskogee, Indian Territory, December 12, 1904.

Dell, Mantooth & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental proceedings had in the following Cherokee Freedman Enrollment Cases on the date indicated.

November 11, 1904.

Howard Bushyhead, Cherokee Freedman D-949.

Jackie Ann Markham, et al., Cherokee Freedman R-348.

November 17, 1904.

Martha Washington, Cherokee Freedman R-343.

November 18, 1904.

Eliza A. Arnold, Cherokee Freedman D-74.

Rachael Graves, Cherokee Freedman D-1131.

John Lynch, Cherokee Freedman D-386.

Mary Gunter, et al., Cherokee Freedmen R-166.

George Amos Mayfield, et al., Cherokee Freedmen R-5.

November 19, 1904.

Daniel Roach, et al., Cherokee Freedmen 40.

November 21, 1904.

Louis Rogers, et al., Cherokee Freedmen R-37.

COPY

Cherokee Freedmen
D-Old, et al.

Muskogee, Indian Territory, December 18, 1904.

Bell, Mantland & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee freedmen cases:

Freedmen D-742---------- David Johnson, et al.,
Freedmen D-1[illegible]---------- Amy Shields,
Freedmen D-61---------- Jesse Carr,
Freedmen D-321---------- Ida Johnson, et alx,
Freedmen D-1181---------- Henry Taylor, et al.,
Freedmen D-33---------- Pauline Hill, et al.,
Freedmen D-346---------- Jackie Ann Harkness, et al.

Respectfully,

(SIGNED) Tams Dixby.
Chairman.

Incl. E-93.

Cherokee Freedmen
Legal

Muskogee, Indian Territory, January 8, 1906.

Oscar Markham,

Chouteau, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 10, 1904, asking to be advised as to the status of the application for the enrollment of Jackson Ann Markham, et al., as Cherokee Freedmen. You also state that you want to make application for the establishment of a postoffice in your vicinity, and ask to be furnished with proper blanks for doing so.

In reply you are advised that the Commission has not yet rendered a decision in the matter of the application for the enrollment of the parties named, as Cherokee Freedmen. When a decision has been prepared the parties concerned will be furnished with a copy.

You are further advised that the establishment of postoffices is a matter over which the Commission has no jurisdiction.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
S-24.

Muskogee, Indian Territory, June 30, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application for the enrollment of Jackeie Ann Markham, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-24

Cherokee Freedmen

S-23.

Muskogee, Indian Territory, June 30, 1906.

Jackie Ann Harthorn,

Choteau, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, together with a copy of the Commission's decision dated June 30, 1906, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Incl. S-23
Register

Cherokee Freedmen
Docket.

Muskogee, Indian Territory, June 30, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jackie Ann Markham, et al., as Cherokee freedman, including the Commission's decision dated June 30, 1906, rejecting said application.

Respectfully,

Encl. 8-28

Chairman.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Land

D 6888-1908

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,
August 10, 1908.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to receive a report from the Commission to the Five Civilized Tribes dated June 30, 1908, transmitting the record of the application for enrollment by Oscar Markham for his wife, Jackie Ann Markham, and her brothers and sisters, Mattie, Myra, Bud, Cynthia, Dick and Peter Fuller.

June 30, 1908, the Commission decided adversely to the applicants.

The record shows that one Martha Fuller, born McNair, is the mother of the applicants; that Martha Fuller was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was taken from the Cherokee nation during the war and did not return thereto on or before February 11, 1867; that the applicants were born since 1866 and possess no rights to enrollment other than as descendants of their mother; that the father of the applicants was a non-citizen and no application has been made for the enrollment of the mother as a Cherokee Freedman.

Nothing Martin Tallot that the applicants can be identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully ,

Geo. P. Ketcham
Acting Commissioner

M.M.M

W.

Y.F.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.10804-1908. September 30, 1908.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of letter of June 30, 1908, from the Commission to the Five Civilized Tribes transmitting Cherokee freedman case R-346, Jacksie Ann Markham et al.

It appears that Messrs. Blue & Bulger were the attorneys for these applicants.

Notice of the decision of the Commission of June 30, 1908, adverse to the claimants was given to the attorneys for the nation and to Jacksie Ann Markham. It is not shown that any notice was given to said attorneys, Blue & Bulger. If notice was given, it is requested that you furnish the Department evidence thereof, and if notice was not given, it is requested that notice be now given and the Department in due time be furnished with evidence of such fact.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, September 28, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of September 20 (I.T.D. 10204-1908), in reference to the letter of the Commission to the Five Civilized Tribes, dated June 30, 1908, transmitting the record of proceedings had in the matter of the application for the enrollment of Jacksie Ann Markham, et al., Cherokee Freedmen R-345, including the Commission's decision adverse to all the applicants. You state that it appears that Messrs. Blue & Bulger were attorneys for these applicants, but that the record transmitted fails to show that notice was given them of the Commission's decision. You request that if such notice was given, that the Department be furnished evidence thereof, and if notice was not given, that notice be now given and the Department furnished with evidence of such fact.

In reply I have the honor to state that Messrs. Blue & Bulger were never entered on the docket of the Commission as attorneys for applicants in said case, but it does appear, however, that they appeared and represented the applicants at the time of

the final hearing is still pend on November 15, 1906. There is nothing in the record to show that they have discontinued their services as counsel for applicants and there is inclosed herewith a copy of the letter this day addressed to them at their post office address, Vinita, Indian Territory, forwarding them a copy of the Commissioner's decision of June 30, 1906, referred to.

Respectfully,

Tams Bixby

Commissioner.

LS
Incl. 2-40

Through the

Commissioner of Indian Affairs.

Department Reading

Room.

[illegible]

Tuskegee, Indian Territory, September [illegible], 1903.

Mike A. Tolliver,

Tahlee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1903, rejecting the application for the enrollment of Jennie Ann Marshall, et al., as Chickasaw freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, was, on June 30, 1903, transmitted to the Department for review and decision, but as yet no action has been taken thereon. You will be advised of the Department's action in this case as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

IS
Incl. S-63

Register

(C O P Y)

T.P.
Lis

R. C. [illegible]

[illegible]

I.T.D. [illegible]
[illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

L R S

December 8, 1908.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1908, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Jackson and Matthew and her brothers and sisters, Ettie, Myra, Judy Cynthia, Dick and Peter Fuller, as Cherokee freedmen.

Reporting August 10, 1908, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision dated June 30, 1908, is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

1 inclosure

Through the

Commissioner of Indian Affairs.

Cherokee Nation

Ex. Dep.

COPY

Muskogee, Indian Territory, December [illegible], 1902.

Choctaw Agency,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the delegate of the Cherokee Nation to the Five Civilized Tribes, Robert Dale M. [illegible], recently [illegible] application for the enrollment of himself, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 6, 1902.

Respectfully,

SIGNED.

James Dixby.

Commissioner.

IC

[illegible]

Enrol.

COPY

Muskogee, Indian Territory, December [illegible], 1902.

Mike A. [illegible],

Attorney for Jackie Ann Markham, et al.,

[illegible], Indian Territory.

Sir:-Enclosed:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 20, 1902, rejecting the application of Jackie Ann Markham for the enrollment of herself, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 8, 1902.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)

Tams Bixby.
Commissioner.

Encl. 7-91

Cherokee Freedmen

S-246.

COMMISSIONER TO THE CITIZENS
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 20, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application of Jacksie Ann Markham for the enrollment of herself, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 8, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. S-92

[illegible].

DEPARTMENT OF THE INTERIOR,

[illegible] WASHINGTON [illegible]
I. T. T. [illegible].

I. N. [illegible]. April [illegible], 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On June 2, 1905, the Department referred to the Commission to the Five Civilized Tribes, by stamp, for report, a communication from Oscar Markham, of Choteau, Ind. Ter., in regard to the Cherokee enrollment cases of Jacksie Markham, Case Markham, Alice Vann, Sooda Markham and Gregory Vann.

It does not appear that the desired report has ever been received, and you are again requested to forward the same, or advise when it may be expected.

Respectfully,

Thos Ryan,

First Assistant Secretary

Through the

Commissioner to Indian Affairs.

Muskogee, Indian Territory, August 16, 1906

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of April 28, 1906 (I.T.D. 4841-1906), stating that on June 3, 1906, the Department referred to the Commission to the Five Civilized Tribes, by stamp, for report, a communication from Oscar Markham, of Chouteau, Indian Territory, in regard to the Cherokee enrollment cases of Jackson Markham and others. The Department states that the desired report has not been received and this office is requested to forward same.

In reply you are respectfully advised the records of this office show that on June 6, 1906, there was received by Departmental reference, by stamp, for report and recommendation thereupon, a letter, without date, from Oscar Markham , Chouteau, Indian Territory, asking to be advised the status of the Cherokee cases of Jackson

Markham and her sister, of Alice Vann, aged twenty, a daughter of Ben Vann, and of Sooda Markham and George Vann. He states that there are a number of people "left off the roll by their nickname", and asks to be advised "what are you going to do with these colored people which are Night Hawks and must filed for himself." Apparently through inadvertence, the Commission failed to make report on this letter and it is shown to have been answered in person on June 9, 1906.

The application made by Oscar Markham for the enrollment of his wife, Jeaksie Ann Markham and her brothers and sisters, Nettie, Myra, Bud, Cynthia, Dick and Peter Fuller, as Cherokee freedmen, was denied by the Commission to the Five Civilized Tribes on June 30, 1906, and its action was approved by the Department December 8, 1906 (I.T.D.10204-15570-1906).

The name of Alice Vann, daughter of Ben Vann, is included in a partial roll of Cherokee freedmen approved by the Department July 27, 1908, opposite number 3929.

The case of "Sooda" Markham referred to is undoubtedly the Cherokee freedmen enrollment case of John

Secretary--2

Markham, which was, on June 19, 1906 (I.T.D. 6060-1906, 9649-1906), remanded to this office by the Department, for rehearing and readjudication. Said case is pending before this office at the present time.

As there are several persons by the name of George Vann appearing upon the roll of Cherokee freedmen and applicants for enrollment as such, this office is unable to identify the particular George Vann referred to.

In regard to persons appearing upon the tribal rolls by nicknames, the Department is aware of the fact that due diligence is used in identifying all persons whose names are on the tribal rolls of the Cherokee Nation.

The class of Cherokee citizens commonly referred to as "Night Hawks" are those who are opposed to the making of the roll of citizens and the allotment of land of the Cherokee Nation, and if there are any Cherokee freedmen belonging to that class of citizens, this office never heard of them.

The letter of Oscar Markham referred to is returned herewith.

Respectfully,

Through the
Commissioner of Indian Affairs

M B

Commissioner

Encl. B-37

(COPY)

E. M. [illegible] A. F. [illegible]

DEPARTMENT OF THE INTERIOR, FOR
WASHINGTON.

E. M. [illegible]
Assistant.

September 20, 1906.

J.P.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On September 13, 1906 (Land 71809), the Indian Office transmitted your report of August 16, 1906, in reference to a communication from Oscar Markham, of Choteau, Indian Territory, relative to the Cherokee enrollment case of Jackson Markham et al.

You stated that apparently through inadvertence the Commission failed to make report on this letter, as it isshown by your records to have been answered in person on June 9, 1905.

No recommendation was made by the Indian Office.

Your report is hereby approved.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

TR 316

IN RE
THE DEATH OF

Nathe Venn, aka Nathe
a citizen of the

Cherokee nation

[illegible] 24 1904

Commissioner

[illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 23 1904

[illegible]
Secretary

DEPARTMENT OF THE INTERIOR,

CONSTITUTIONAL TO THE CHOCTAW NATION

In the matter of the enrollment of Nellie Vann, nee Tullis

a citizen of the Cherokee Nation who previously enrolled as a citizen of the Choctaw Nation died on the 15 day of April, 1904

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District

I, Cunnigan Vann, on oath state that I am 25 years of age and a citizen, by adoption, of the Cherokee Nation; that my post office address is Catoosa, Ind. Ter.; that I am husband of Nellie Vann, nee Tullis, who was a citizen, by adoption, of the Cherokee Nation; and that said Nellie Vann, nee Tullis died on the 15 day of April, 1904.

Witnesses to mark:

(Must be Two Witnesses.)

Cunnigan Vann

Subscribed and sworn to before me this 22 day of August 1904.

Samuel Lowman,
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
_____ District.

I, _____, on oath state that I am _____ years of age, and a citizen, by _____, of the _____ Nation; that my post office address is _____ Ind. Ter.; (Here insert name of post office.) that I was personally acquainted with _____ (Here insert name of deceased.) who was a citizen, by _____, of the _____ Nation; and that said _____ (Here insert name of deceased.) died on the _____ day of _____, 1_____.

Witnesses to mark:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____ 190__

Notary Public.

FILED
AUG 29 1902

CHEROKEE FREEDMEN

Date August 29 1902

Post Office [redacted] J. Wagoner, I.T.

District Cooweescoowee

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

1. Name of wife Jackson Ann Matthews 40

Owner's name Citizenship

Year Page No. District

Parents

Father Dave Fuller Citizenship U.S.

Mother Matt " Citizenship Cher Nr

Name of Children

		Year	Page	No.	Dist.	
2	Nettie Fuller					18
3	Myra "					17
4	Birdie "					16
5	Cynthia "					9
6	Chick "					8
7	Peter "					5
8.						
10.						
11.						
12.						

Application made by Oscar Matthews Stenographer Mabel F. Maxwell

Not on any roll

Member

Enrolled

Department of the Interior

MUSKOGEE, IND. TER.

UNCLAIMED

1113

Trans. Chem. Fr. 40

Fr. P. 347

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 26, 1902.

In the matter of the application of Lula Melton for enrollment as a Cherokee freedman by intermarriage, she being sworn and examined by the Commission, testified as follows:

Q What is your name? A Lula Melton.
Q How old are you? A About thirty-one years old.
Q What is your postoffice address? A When I am at home, Bunger, I.T.
Q What district do you live in? A Sequoyah.
Q Do you claim as a Cherokee freedman by intermarriage? A Yes, sir.
Q What is the name of your husband? A Levi Melton.
Q Cherokee freedman is he? A Yes sir.
Q When were you married to him? A '95.
Q What time in '95? A December.
Q What time in December? A I think about the 20th.
Q 20th day of December, 1895? A Yes sir.
Q You weren't married before that time? A No sir.
Q Were you ever married before you married Melton? A Yes sir.
Q To whom? A Silas McGowan.
Q Is he living or dead? A Dead.
Q Was he a citizen? A Yes sir, he died about two years or more.
Q How long have you been living in the Cherokee Nation? A About eight years.
Q Continuously? A Yes sir.
Q Have you ever been out since that time? A I have been in the Creek Nation.
Q Been out of the Indian Territory? A No sir, haven't been out of the Indian Territory.

The applicant is not identified on any of the tribal rolls of the Cherokee Nation now in the possession of the Commission.

This application comes within the temporary injunction granted by Judge Gill of the United States Court, Northern District, Indian Territory, and under the provision of said injunction the Commission is without authority to receive, consider, or make any record of this application. It further appears that the applicant was married after December 16, 1895; consequently she could acquire no right whatever as an intermarried citizen of the Cherokee Nation, and her application will be listed for rejection.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothrock

Subscribed and sworn to before me this 3rd day of September, 1902.

B. C. Jones
Notary Public.

Refer the proper on
Index of ad.

Washington, United Territory, January 24, 1898.

The Chickasaw

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of U.S. applications for the enrollment of, William Bolin, Henry Thomas, Ellis Vann, Mary Harkins, Brandon Walton, John Jones, Mary Jane Vann, Thomas Lewis, Nila Fairfield, Hallie Riley, Reuben Campbell, Van Buchanan Luther, Lucile Hallowell, Lucy Tarlin, Willie Fields, John Ethe, William D. Madden, Jesse Dean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Felvian Alberty, Jane Harris, Alexander Chagnott, Amanda Martin, Ellen Martin, John T. Barnes, Bell Davis, Samuel Vann, Howard F. Walker, Jack McCardell, Claude Hanley, George Reed, Sr., Hunt Lathem, Bell Thompson, Louie Scott, Joe Scott, Xander Lampton, Edmond R. Allen, Louie Vandergrift, John E. Dowlin, Annie Davis, Charles Willard, John J. Rogo, Jane Martin, Lena Patterson, Alex Pressman, Martha Vann, John Scott, Fancy Dean, Charles C. Smith, Susie Colbert, William Dickens, Susie Johnson, Alfred F. Hopkins, Minnie Vann, Freddie Lesley, Lemy Choutean, Alice Durant, Mahaley Ward, Erick J. Thomas, Nettie Beck, Willie Warren, Willie Robinson, Mary Walker,

Frances Martin, Mary Riley, [illegible] Taylor, [illegible], Martin F. Powell, Stephney Jack, Malinda Vann, [illegible], [illegible] Potter, Mary M. Rogers, George Washington Lane, Jane Brown, [illegible] L. Young, John Duncan, William Cox, Leonard Bowles, Matilda Maxwell, Charles Chaggett, Samuel Irven, Mary Ross, Maggie Ross, [illegible], Mike Ross, Elizabeth Duncan, Sadie Adams, Georgeanna Archer, John Chaggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hasskrig, Lizzie Ross, Maria Prentis, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Pollard, Laura David, John Deakman, James H. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McDonnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice [illegible], Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Orcves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, [illegible] Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Nelle Vann, Levi Stroud, John Sampter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen
D-24 et al.

Muskogee, Indian Territory, January 24, 1908.

Bell, Hastings & Davenport
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1908, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Martin, Frances Walton, John Jetson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Esther, Cassie Middleton, Mary Harlin, Emilie Fields, John Kimbo, William B. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Liberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John R. Barnes, Bell Lewis, Samuel Brown, Howard B. Watson, Jack McConnell, Mamie Manley, George Reed, Sr., Bunk Ledbetter, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Kahie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lorney, Lucy

Stevens, Alice Durant, Pahsley Ward, Fred D. Thomas, Bettie Bush, Willie Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Byrne, Martin P. Powell, Gregory Bush, Matilda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Rodies, Matilda Worrell, Charles Claggett, Samuel Irven, Mary Moss, Maggie Bare, Bruce Nave, Tilla Moss, Elizabeth Duncan, Sadie Adams, Georgeanna Archer, John Claggett, Nettie Smith, Jack Jackson, Lula Sanders, George Mansfrig, Lizzie West, Martha French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Mallard, Isaac David, John Dockson, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mhair, George Adams, Annie Thomas, Lewis McConnell, Gallie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Leon Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Nellie Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Copy

Muskogee Freedman

Bureau,

Muskogee, Indian Territory, January 14, 1896.

Lula Walton,

Bonge, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 10, 1896, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. 8-110.

Register.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: Land. 7996-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Marlin, Nellie Fields, John Kimbe, William S. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Hank Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Rawlin, Katie Dagis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Cheutem,

Alice Durant, Nahaley Ward, Fred D. Thomas, Bettie Beck, Willie Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Miley, Emmanuel Taylor, Henry Ryan, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Melinda Harrell, Charles Claggett, Samuel Irven, Mary Rose, Maggie Hare, Emma Hare, Mila Rose, Elizabeth Duncan, Emile Adams, Georgeanna Archer, John Claggett, Kattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dickson, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Hair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Strong, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Welton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

[illegible] to [illegible] on the [illegible] Supreme [illegible].

In view of the record and of the ruling of the Supreme Court of October [illegible], [illegible] (U. S. [illegible]) in the Indian Claims case, the opinion of the Comptroller's decision adverse to all the applicants is recommended.

Very respectfully,

G. T. Egnew,

Acting Comptroller.

T.E.H.

(6692)

D. C. [illegible]
T. B. M. [illegible]

T.S.R.
[illegible]

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

E.A.S.

April 19, 1906

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

January 24, 1906, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 10, 1906, rejecting said applications, viz.

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William H. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Harris, Alexander Claggett, Amanda Martin, Eliza Martin, John K. Barnes Bell Davis, Samuel Brown, Howard F. Vatsen, Jack McDonnell, Maude Manley, George Reed, Sr., Buck Lehman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John [illegible]. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann.

John Scott, Henry Bass, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred F. Hopkins, Lizzie Vann, Freddie Looney, Lucy Chestoon, Alice Durant, Mahaley Ward, Fred E. Thomas, Bettie Reed, Ellie Warren, Willie Robinson, Mary Walker, Frances Martin, Mary Riley, Samuel Taylor, Henry Sykes, Martin D. Powell, Stepney Bass, Malinda Vann, Frances Johnson, Annie Foester, Mary E. Segura, George Washington Lane, Jane Brown, Samuel L. Young, John Wagner, Willie Sax, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irved, Mary Ross, Maggie Wave, Emma Wave, Ella Ross, Elizabeth Duncan, Sadie Akers, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckham, James B. Perry, Isaac Walsh, Lewis Logan, George Howell, Henry Wasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lew Peters, Ida Adair, Robert Brown, Allie Chambers, Inez Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Selisby, Susan Daniels, Anderson Turk, David Lane, Felix McClain , Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Referring to the matter March 21, 1956, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) CHAS. RYAN
Acting Secretary

2 inclosure

[illegible]

Cherokee Commission

[illegible]

Muskogee, Indian Territory, April 21, 1906.

Emma Walton,

Bunge, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 16, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

[illegible]: Tams Bixby.

Chairman.

Cherokee Freedmen
Dell, et al

Muskogee, Indian Territory, April, 26, 1906

Dell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) Tams Bixby.
Chairman

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1908.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

Tams Bixby
Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 30 1902
Acting Chairman

CHEROKEE FREEDMEN

MEMORANDUM OF TESTIMONY

[illegible]

CHEROKEE FREEDMEN

Date Aug. 30. 1902

Post Office [illegible]

District Tahlequah

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife Sarah Walker Age 21

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

3. _____ Year _____ Page _____ No. _____ Dist. _____
4. _____ Year _____ Page _____ No. _____ Dist. _____
5. _____ Year _____ Page _____ No. _____ Dist. _____
6. _____ Year _____ Page _____ No. _____ Dist. _____
7. _____ Year _____ Page _____ No. _____ Dist. _____
8. _____ Year _____ Page _____ No. _____ Dist. _____
9. _____ Year _____ Page _____ No. _____ Dist. _____
10. _____ Year _____ Page _____ No. _____ Dist. _____
11. _____ Year _____ Page _____ No. _____ Dist. _____
12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by _____ Stenographer P. Wheelberger

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the [illegible] enrollment of William Davis, of [illegible] by [illegible] marriage of the [illegible] upon the applications of

William Davis,	Cherokee Freedmen [illegible]
Henry Thomas,	Cherokee Freedmen [illegible]
Ella Southerland,	Cherokee Freedmen [illegible]
Mary Northcutt,	Cherokee Freedmen [illegible]
[illegible] Martin,	Cherokee Freedmen [illegible]
John Dickson,	Cherokee Freedmen [illegible]
Mary Johnson,	Cherokee Freedmen [illegible]
Thomas Lovett,	Cherokee Freedmen [illegible]
Ella Mayfield,	Cherokee Freedmen [illegible]
Sylva Baker,	Cherokee Freedmen [illegible]
Reuben Campbell,	Cherokee Freedmen [illegible]
Vina Jackson, [illegible]	Cherokee Freedmen [illegible]
Carrie Middleton,	Cherokee Freedmen [illegible]
Mary Harrison,	Cherokee Freedmen [illegible]
Nellie Fields,	Cherokee Freedmen [illegible]
John Kaylor,	Cherokee Freedmen [illegible]
William S. Meriden,	Cherokee Freedmen [illegible]
Jane Bean,	Cherokee Freedmen [illegible]
Albert T. Thomas,	Cherokee Freedmen [illegible]
Mary Campbell,	Cherokee Freedmen [illegible]
Caroline Daniels,	Cherokee Freedmen [illegible]
Malvina Liberty,	Cherokee Freedmen [illegible]
Dave Morris,	Cherokee Freedmen [illegible]
Alexander Chogoett,	Cherokee Freedmen [illegible]
Amanda Martin,	Cherokee Freedmen [illegible]
Ellen Martin,	Cherokee Freedmen [illegible]
John E. Brown,	Cherokee Freedmen [illegible]
Bell Davis,	Cherokee Freedmen [illegible]
Samuel Brown,	Cherokee Freedmen [illegible]
Howard F. Watson,	Cherokee Freedmen [illegible]
Jack McConnell,	Cherokee Freedmen [illegible]
Maude Manley,	Cherokee Freedmen [illegible]

George Reed, Sr.,	Cherokee Freedmen D—[illegible],
Dock Lathemy,	Cherokee Freedmen D—[illegible],
Bert Thompson,	Cherokee Freedmen D—[illegible],
Lewis Green,	Cherokee Freedmen D—[illegible],
Roy Reed,	Cherokee Freedmen D—[illegible],
Hugh Leverett,	Cherokee Freedmen D—[illegible],
Thomas E. Adair,	Cherokee Freedmen D—[illegible],
Lewis Vanderford,	Cherokee Freedmen D—[illegible],
John L. Rattle,	Cherokee Freedmen D—[illegible],
Rutie Davis,	Cherokee Freedmen D—[illegible],
Charles Williams,	Cherokee Freedmen D—[illegible],
John J. Ross,	Cherokee Freedmen D—[illegible],
Jane Martin,	Cherokee Freedmen D—[illegible],
Lena Peterson,	Cherokee Freedmen D—[illegible],
Alex Johnson,	Cherokee Freedmen D—[illegible],
Martha Vann,	Cherokee Freedmen D—[illegible],
John Scott,	Cherokee Freedmen D—[illegible],
Henry Ross,	Cherokee Freedmen D—[illegible],
Charles O. Smith,	Cherokee Freedmen D—[illegible],
Rosie Gulbert,	Cherokee Freedmen D—[illegible],
William Skaggs,	Cherokee Freedmen D—[illegible],
Susie Johnson,	Cherokee Freedmen D—[illegible],
Alfred P. Hopkins,	Cherokee Freedmen D—[illegible],
Elizabeth Vann,	Cherokee Freedmen D—[illegible],
Freddie Lowrey,	Cherokee Freedmen D—[illegible],
Lucy Christmas,	Cherokee Freedmen D—[illegible],
Alice Durant,	Cherokee Freedmen D—[illegible],
Mahaley Wood,	Cherokee Freedmen D—[illegible],
Fred D. Thomas,	Cherokee Freedmen D—[illegible],
Bettie Bank,	Cherokee Freedmen D—[illegible],
Ella Walker,	Cherokee Freedmen D—[illegible],
Milly Robinson,	Cherokee Freedmen D—[illegible],
Mary Webster,	Cherokee Freedmen D—[illegible],
Frankie Martin,	Cherokee Freedmen D—[illegible],
Mary Riley,	Cherokee Freedmen D—[illegible],
Emanuel Taylor,	Cherokee Freedmen D—[illegible],
Henry Sylan,	Cherokee Freedmen D—[illegible],
Lurlie P. Sewell,	Cherokee Freedmen D—[illegible],
Stepney Dawn,	Cherokee Freedmen D—[illegible],
Mallade Vann,	Cherokee Freedmen D—[illegible],
Frances Johnson,	Cherokee Freedmen D—[illegible],
Annie Foster,	Cherokee Freedmen D—[illegible],
Mary H. Rogers,	Cherokee Freedmen D—[illegible],
George Washington Lane,	Cherokee Freedmen D—[illegible],
Jane Brown,	Cherokee Freedmen D—[illegible],

Dennis R. Ramage,	Cherokee Freedmen D—[illegible],
John Buffington,	Cherokee Freedmen D—[illegible],
Willis Gatewood,	Cherokee Freedmen D—[illegible],
Lorenzo Rawlings,	Cherokee Freedmen D—[illegible],
Melissa Hamilton,	Cherokee Freedmen D—[illegible],
Cullen Chapman,	Cherokee Freedmen D—[illegible],
Samuel Brown,	Cherokee Freedmen D—[illegible],
Mary Robinson,	Cherokee Freedmen D—[illegible],
Maggie Thompson,	Cherokee Freedmen D—[illegible],
Susan Ross,	Cherokee Freedmen D—[illegible],
Kate Reed,	Cherokee Freedmen D—[illegible],
Elizabeth Thompson,	Cherokee Freedmen D—[illegible],
Rollie Adair,	Cherokee Freedmen D—[illegible],
Georgianna Anderson,	Cherokee Freedmen D—[illegible],
John Chapman,	Cherokee Freedmen D—[illegible],
Martin Hensley,	Cherokee Freedmen D—[illegible],
Jude Sanders,	Cherokee Freedmen D—[illegible],
Lulu Sanders,	Cherokee Freedmen D—[illegible],
George Shanks,	Cherokee Freedmen D—[illegible],
Linnie Wilson,	Cherokee Freedmen D—[illegible],
Martin Sanders,	Cherokee Freedmen D—[illegible],
Mary Johnson,	Cherokee Freedmen D—[illegible],
Maggie Vann,	Cherokee Freedmen D—[illegible],
William Hudson,	Cherokee Freedmen D—[illegible],
Sarah Rogers,	Cherokee Freedmen D—[illegible],
Abraham Ballard,	Cherokee Freedmen D—[illegible],
Lenora David,	Cherokee Freedmen D—[illegible],
John Dunham,	Cherokee Freedmen D—[illegible],
James B. Scraggs,	Cherokee Freedmen D—1105,
Isom Welch,	Cherokee Freedmen R—[illegible],
Lorenzo Logan,	Cherokee Freedmen R—[illegible],
George Hamilton,	Cherokee Freedmen R—[illegible],
Henry Martin,	Cherokee Freedmen R—[illegible],
George Adams,	Cherokee Freedmen R—[illegible],
Annie Thomas,	Cherokee Freedmen R—[illegible],
Lewis McGrandle,	Cherokee Freedmen R—[illegible],
Callie Vann,	Cherokee Freedmen R—[illegible],
Lena Peters,	Cherokee Freedmen R—[illegible],
Ida Adair,	Cherokee Freedmen R—[illegible],
Robert Rogers,	Cherokee Freedmen R—[illegible],
Allie Chambers,	Cherokee Freedmen R—[illegible],
Adam Jones,	Cherokee Freedmen R—[illegible],
Alice Ganter,	Cherokee Freedmen R—[illegible],
Katie Adair,	Cherokee Freedmen R—[illegible],
Carrie Martin,	Cherokee Freedmen R—[illegible],
	Cherokee Freedmen R—[illegible],
	Cherokee Freedmen R—[illegible],

DECISION.

It appeared [illegible] Applications for enrollment as Cherokee citizens by intermarriage, were made to [illegible] by William Davis for himself; by [illegible] for her husband, Henry Thomas; by [illegible] for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for himself, [illegible] Melton; by Mary Dotson for herself; by John Dotson; by George W. [illegible] for himself; Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by [illegible] for his wife, Sallie Rider; by [illegible] Campbell for himself; by Vol [illegible] for himself; by Tobe Midleton for his wife, [illegible] Midleton; by Thomas Harlin for his wife, [illegible]; by John Fields for his wife, [illegible]; John Kimbo for himself; by William [illegible] for himself; by Tobias Bean for his wife, [illegible] Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Pryton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Sattler Brown; by Mary Ann Watson for her husband, Howard T. Watson; by Jack McConnell for himself; by [illegible] for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

by Elizabeth Bowles for her husband, John; by [illegible] for his wife, Lucy Ann; by [illegible] for herself; by [illegible] for herself; by [illegible] for herself

[illegible] the record herein shows that some of the applicants herein making claim for enrollment are [illegible] of the Choctaw Nation under the act of Congress approved June 28, 1898 [illegible]

It further appears from the record herein that at the time contemplated under the provisions of this court's decision herein, applications were also made for the enrollment of certain applicants of Choctaw Freedmen, but such applications being [illegible] are not considered in this decision.

It does not appear that any of the applicants herein and hereinafter named and their descendants entitled thereunder, are [illegible] that any of said applicants has ever been allotted in Choctaw or otherwise by a duly constituted court or commission of the Choctaw Nation, or by the Commissioner to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321).

In a decision of the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Wolverton, (P. T. D. 0868-1904, 19,778-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Mallon, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Maybish, Hattie Slater, Barbara Campbell, Vandockson, Luther, Canda Mulston, Mary Hurtle, Nettie Foster, Sofia Wilated, William D. Mathews, Jesse Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, David Roberts, Alexander Claggett, Amanda Martin, Ellen Martin, John E. Berson, Bell Davis, Samuel Brown, Howard F. Wassell, Jane McCoskell, Harold Hanley, George Clark, Dr., Hack Richard, Bell Thompson, Lewis Scott, Abe Scott, Kendar Langston, Thomas E. Allen, Lewis Vanderford, John L. Howlin, Katie Davis, Charley Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Sunny Rose, Charles O. Smith, Stella Colbert, William Skaggs, Stella Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Choate, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Edward Taylor, Henry Sykes, Lottie E. Powell, Dempsey Dunn, Matilda Vann, Robert Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Nelson Nave, Ella Rose, Elizabeth Duncan, Sidie Adams, Georgeana Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hasenrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Bullard, Laura David, John Dockman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mesir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

[illegible] TO THE FIVE CIVILIZED TRIBES.

[illegible] TAMS BIXBY,
Chairman.

[illegible] T. B. NEEDLES,
Commissioner.

[illegible] C. R. breckinridge
Commissioner.

Muskogee, Indian Territory, January 18, 1906.

Chem. Fr. R. 348

Trans. Chem. Fr. 41

Chem. Fr. R. 348

CFR-348

Xmm

COMMISSION TO THE FIN CUR
FILED
SEP 4 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 30, 1906.

In the matter of the application of Sandy Hall for enrollment as a Cherokee freedman he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Sandy Hall.
Q How old are you? A About sixty-seven.
Q Where do you live? A I am living here. I have been living down on Red River.
Q What is your postoffice address? A This is my postoffice, I am working here.
Q Where do you live most of the time? A Down at Red River.
Q What is your postoffice address down there? A Denison.
Q Living in Denison, Texas? A Yes sir, right on the line, sometimes on this side and in the Chickasaw Nation.
Q You claim to be a Cherokee freedman? A Yes sir.
Q Were you a slave? A Yes sir.
Q Who did you belong to? A Jess Mayfield.
Q Was he a Cherokee? A His wife was. Will Marriage is a grandchild of his.
Q What is Jess Mayfield's wife's name? A Annie.
Q Was she a Cherokee? A Yes sir.
Q Do you apply for anyone besides yourself? A My children are all married.
They will have to apply for themselves.
Q Where were your born? A In Tennessee.
Q When did you come to the Cherokee Nation? A I came with the Cherokees when they first come to this country.
Q Did you leave the nation during the war? A Yes sir, I was in the army driving a wagon.
Q When did you come back to the Cherokee Nation? A In '68.
Q Never got back to the nation until '68? A No sir, I didn't get back.
Q Have you ever been recognized as a Cherokee freedman, have you ever drawn any money? A No sir, never drawed any.
Q How long did you live here when you came in '68? A I stayed in about the nation about two months, it was over that some.
Q Then where did you go? A Went back to Texas again.
Q Have you ever lived in the nation since that time? A Not my family, I have been here several times.
Q Just wor in here? A Yes, working around and coming through and seeing the children I belonged to. Some are here at Gibson and Tahlequah.
Tribal rolls of the Cherokee Nation examined and the name of the applicant does not appear thereon.

Sandy Hall applies for the enrollment of himself as a Cherokee freedman. He is not identified upon any of the tribal rolls of the Cherokee Nation in possession of this Commission and his application comes within the provision of the temporary injunction granted by Judge Gill of the Northern District, Indian Territory, and under the provision of said injunction the Commission is without authority to receive, consider, or make any record of his application.

Dawes Bill.

The undersigned, being duly sworn, states that as stenographer in the examination in the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of the stenographic notes taken.

[illegible]

Subscribed and sworn to before me this 5th day of September, 1900.

[illegible]
Notary Public.

1313

Cherokee Freedmen R-301.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sandy Hall as a Cherokee Freedman.

D E C I S I O N.

The record herein shows that on August 30, 1902, Sandy Hall appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman.

The evidence herein shows that the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion and left the Cherokee Nation during said war, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation. The applicant can not be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sandy Hall as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this AUG 25 1904

Cherokee Freedmen
A 348

Muskogee, Indian Territory, August 30, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 28, 1904, rejecting the application for the enrollment of Sandy Mallas a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. V-32

Cherokee Freedmen
E 346

Muskogee, Indian Territory, August 26, 1904.

Sandy Hall,

Denison, Texas.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated August 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Chairman.

Encl. V-21

Register.

Cherokee Freedmen
E 248

Muskogee, Indian Territory, August 24, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Sandy Hall as a Cherokee freedman, together with the Commissioner's decision dated August 20, 1904, rejecting said application.

Respectfully,

Tams Bixby
Chairman.

Encl. V-23

Through the
Commissioner of Indian Affairs.

(COPY)

Refer to copy
in the following

Land
entitled.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

September 10, 1904.

The honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the application of Sandy Hall for enrollment of himself as a Cherokee Freedman.

August 25, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he left the Cherokee Nation during the war and did not return on or before February 11, 1867 His name is not identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W. A. Jones
Commissioner

M. .M.
W

D.C. [illegible]
[illegible]

[illegible]
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

October 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 26, 1904, you transmitted the record in the matter of the application for the enrollment of Sandy Hall as a Cherokee freedman, including your decision of August 25, 1904, rejecting said application.

Reporting in the matter September 10, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen

Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated August 28, 1904, rejecting the application for the enrollment of Sandy Hall as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
R. 348

Muskogee, Indian Territory October 28, 1904.

Reddy Hall,

Denison, Texas,

Dear Sir:

You are hereby advised that the Commission's decision dated August 23, 1904, rejecting the application for your enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on October 2, 1904.

Respectfully,

Tams Bixby
Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 30 1902

ACTING CHAIRMAN.

CHEROKEE FREEDMEN

[illegible]

CHEROKEE FREEDMEN

Date October 30 1902

Post Office Muskogee, Ind.

Children

1. Name Boudy Hall Age

Owner's name Gilbert Hagfield Citizenship Choctaw

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

Cher. Fr. R. 349

Trans. Cher. Fr. 42

Cher. Fr. R. 349

FR349

NOTICE

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

---

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR

To the Honorable the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as freedmen [illegible] concerning the application of

[illegible]

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 20, 1902.

In the matter of the application of Katie Vann for the enrollment of herself and children, Lee Vann, Robert Vann, Granville Vann, Arminta Vann, Lydia Vann, Florence Vann, Dollie Vann, George Vann and Ethel Vann, as Cherokee freedmen; she being sworn and examined by the Commission, testified as follows:

Q What is your name? A Katie Vann.
Q How old are you? A Thirty-four.
Q What is your postoffice address? A Chelsea.
Q You claim to be a Cherokee freedman? A Yes sir.
Q What district do you live in? A Coweta.
Q Do you apply for anyone besides yourself? A My children.
Q What is the name of your oldest child? A Lee Vann, a boy.
Q How old is that child? A 15 years old.
Q The next one? A Robert Vann.
Q How old is he? A Fourteen.
Q The next child? A Granville.
Q How old? A Twelve.
Q The next child? A Arminta.
Q How old is she? A Eight.
Q The next child? A Lydia.
Q How old? A Six.
Q The next child? A Florence.
Q How old? A Five.
Q The next one? A Dollie.
Q How old? A Four years old.
Q The next child? A George.
Q How old is he? A Three years.
Q The next child? A Ethel.
Q How old is she? A Seven months old.
Q These children all living? A Yes sir.
Q They all living at Chelsea with you? A Yes sir.
Q Who is the father? A Wesley Vann.
Q Is he living? A Yes sir.
Q A Cherokee freedman or state man? A He is a Cherokee freedman.
Q Have you ever been recognized as a freedman, have you ever drawn any money? A No sir, never has.
Q Have you ever drawn any money for your children? A No sir.
Q What was the name of your father? A Tobe Martin.
Q Is he living? A No sir, he is dead.
Q Was he a Cherokee freedman or state man? A He was a slave.
Q Who did he belong to? A It was a Martin, but I forget his given name.
Q What is your mother's name? A Ellen Martin.
Q Is she living? A No sir, she is dead.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A I think Jim Vann.
Q Where were you born? A I was born on Big Creek, Cherokee Nation.
Q Where were all your children born? A The two oldest ones were born in the states.
Q What state? A State of Kansas.
Q How long did you continue to live in the Cherokee Nation after you were born? A I couldn't tell you exactly how long; I stayed until my mother died and then I worked for myself.
Q How long has your mother been dead? A About close on to twenty-one or twenty-two years, or eighteen or nineteen years.
Q When did you go to Kansas? A Directly after she died.
Q How long did you live up there? A I stayed there until I married and then I came back.
Q Were these two children born before you were married? A No sir.
Q You worked up there after you were married? A I worked up there.
Q Married when you were married? A Yes sir.

Q How long? A I guess about four or five years.
Q About how old were you when you came back to the Cherokee Nation from Kansas? A As near as I can remember I was about 18 or 19.
Q When you came back? A When I left and went up.
Q When you came back? A I guess I was about twenty-five.
Q Where was Granville born? A He was born in the state.
Q Where was Arenzinta born? A Here.
Q Where? A The district where I am living now.
Q Your three eldest children were born in Kansas? A Yes sir.
Q Were the others born down here? A Yes sir.
Q Did you ever go to Kansas after Arenzinta was born? A I was up there on a visit.
Q How long? A About two years.
Q Any of these children born while you were up there on that visit, did you ever go to Kansas after Arenzinta was born? A Yes sir.
Q How long did you stay? A About two years.
Q Were any children born to you during those two years? A Lydia.
Q Whereas born in Kansas? A Yes sir.
Q Where was Florence born? A Here.
Q You were just once in Kansas since Arenzinta was born? A Yes sir, that is all.
Q Where have you been since that time? A In that district.
Q Never been out of it? A No sir.
Q You have never been recognized as a citizen at all have you? A No sir.
Q Never drew any money? A No sir.
Q Your names have never been placed on the rolls? A No sir.

The tribal rolls of the Cherokee Nation examined and the applicant and her children are not identified thereon.

The application which Katie Vann makes for the enrollment of herself and children as Cherokee freedmen comes within the provision of the temporary injunction granted by Judge Gill of the United States Court, Northern District, Indian Territory. Under the provision of said injunction the Commission is without authority to receive, consider, or make any record of this application, and the applicants herein will be listed for rejection.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. A. Rothenberger

Subscribed and sworn to before me this 2nd day of September, 1902.

B. C. Jones
Notary Public.

G.E.S.

Cherokee Freedmen D. 126
Cherokee F.S.D. 486

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of Katie Vann, et al., as Cherokee freedmen.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That on August 30, 1902, Katie Vann appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor children, Lou, Robert, Granville, Areminta, Lydia, Florence, Dollie, George and Ethel Vann, as Cherokee freedmen.

THE RECORDS OF THIS OFFICE FURTHER SHOW: That on June 6, 1906, applications were received at this office for the enrollment as minor freedmen citizens of the Cherokee Nation, of Ray and Tessey Vann, under the provisions of Section two of the Act of Congress approved April 26, 1906, (34 Stat., 137).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Katie Vann, was born since 1866 and is a daughter of Tobe Martin and Ellen Martin, and claims the right to enrollment as a Cherokee freedman as a descendant of her said parents; that the said Tobe and Ellen Martin were slaves of Cherokee citizens at the commencement of the rebellion, and after ample opportunity having been afforded it is not shown that they, or either of them, complied with the provisions of Article 9 of the treaty of 1866.

THE EVIDENCE FURTHER SHOWS: That Lou, Robert, Granville, Areminta, Lydia, Florence, Dollie, George, Ethel, Ray and Tessey Vann are minor children of the said Katie Vann and one Wesley Vann, an alleged Cherokee freedman, and possess no right to enrollment as Cherokee freedmen not possessed by their said parents. It is further shown, that on November 24, 1905, the application for the enrollment of said Wesley Vann as a Cherokee freedman was denied by the Commissioner to the Five Civilized Tribes, and his decision was, on June 8, 1906 (I.T.D. 10082-1906), approved by the Secretary of the Interior.

It is considered by this office that the applications for the enrollment of the applicants herein come within the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 544-1904), William Rector (I.T.D. 1468-1904), Minnie Duncan et al., (I.T.D. 1470-1904), Samantha Chambers (I.T.D. 2296-1904), Ed. Williams (I.T.D. 4230-1904), Moses Ross (I.T.D. 6056-1904), Sam Looney et al., (I.T.D. 6410, 12688-1904), Florence Bratcher (I.T.D. 12692-1904), and Frankie Grimmett, (I.T.D. 1792-1905). The applicants herein cannot be identified on any roll of the Cherokee Nation in the possession of this office; neither can any one through whom, by any possibility, they might claim the right to enrollment as Cherokee freedmen, be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of section twenty-two of the Act of Congress approved June 30, 1898 (30 Stat., 495), Lalie Vann, Leo Vann, Robert Vann, Granville Vann, Arminta Vann, Lydia Vann, George Vann and Ethel Vann, are not entitled to enrollment as Cherokee freedmen; and that under the provisions of Section two of the Act of Congress approved April 26, 1906, (34 Stat., 137), Ray Vann and Tessey Vann are not entitled as Cherokee freedmen and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

This FEB 20 1907.

Cherokee Freedmen

R-348.

Muskogee, Indian Territory, July 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Katie Vann for the enrollment of herself and minor children as Cherokee Freedmen R-348, (old N. Memo. 42), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the parents, or either of them, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; whether or not they returned to the Cherokee Nation within the time allowed in the Treaty of 1866; and as to the applicant's residence since birth.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M., on Tuesday, July 26, 1904, and give testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
1-343.

Muskogee, Indian Territory, November 30, 1904.

Katie Vann,

Chelsea, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of November 19, 1904, relative to your enrollment as a Cherokee freedman.

In reply, you are advised that this case was taken up for final hearing on November 21, 1904, and there being no appearance on behalf of the applicant said case was closed and will be considered by the Commission upon the evidence of record. When a decision has been prepared you will be furnished with a copy.

Respectfully,

T. B. Needles
Commissioner in Charge.

Cherokee Freedmen
S 149

Muskogee, Indian Territory, May 24, 1906

Katie Vann,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed September 7, 1905, by your attorneys, for review in your Cherokee freedmen enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
B and et al.

Muskogee, Indian Territory, May 30, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
R 680 et al.

Muskogee, Indian Territory, May 26, 1906

Hims & Bulger,

Attorneys for Joseph Brown et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMK

Commissioner

Encl. R-93

Cherokee 2.222
Cherokee F.I.S.A.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Vann, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Enc I-1

RPI

Cherokee R-119
Cherokee R.S.R.436

Muskogee, Indian Territory, February 28, 1907.

Katie Vann,

Chelsea, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February [illegible], 1907, rejecting the application for the enrollment of yourself and others as Cherokee freedmen.

The decision, together with the recordof proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informedof same.

Respectfully,

Commissioner.

Enc I-2

RPI

Register.

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment, under the Act of Congress approved April 26, 1906 (34 Stat., 137), of Ray and Tessy Vann, and Katie, Ben, Robert, Granville, Arsinita, Lydia, George and Ethel Vann, as Cherokee freedmen, together with decision of the Commissioner, dated February 26, 1907, rejecting said application.

Respectfully,

Enc I-3 Commissioner.

KWI

Through the Commissioner
of Indian Affairs.

[illegible]
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 4, 1904.

Land
Enforcement in
body of
letter

The Honorable,

The Secretary of the Interior.

Sir:

There are forwarded herewith several reports of Commissioner Bixby, transmitting the records in certain citizenship cases, together with the decisions of the Commissioner denying applications of the persons involved in each case, as follows:

Cherokees by Blood.

21837 - Susie Rogers.

21832 - Nancy M. Osburn and Mary M. Hicks.

21838 - Katie Johnson.

21839 - Benjamin F. Welch et al.

21841 - Permelia Watson et al, Referring to I.T.D. 2560-1904, March 30, 1904.

Cherokees by Intermarriage.

21835 - Elias H. Jenkens.

21833 - Martha J. Fields.

21830 - John W. Bannon.

21829 - Martha Randolph (now Kernan)

21828 - Polly Henson.

21827 - Christopher C. Lowther.

Chickasaw Freedmen.

2364 - Louie Vann [illegible]

2414 - Alexander Keys.

2611 - Joe Vann.

2836 - Katie Vann et al. Referring to I.T.D. [illegible]-1906,

June 8, 1906.

The Office has examined the record in each of the above cases and finds the conclusions of the Commissioner to be correct, and his decisions are recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EM

[illegible]

[illegible]

[illegible]

Commissioner of Indian Affairs,

Sir:

There are inclosed the records in the fifteen Cherokee citizenship cases received with your office letter of March 6, 1907 (Land 21837, etc).

Your office recommended that the decisions of the Commissioner to the Five Civilized Tribes, adverse to the claimants, be concurred in.

The Department is without authority to enroll the applicants, even if the decisions of the Commissioner to the Five Civilized Tribes were erroneous. However, the evidence in each case has been examined and the decisions of the Commissioner are found to be correct.

Respectfully,

JESSE E. WILSON,
Assistant Secretary.

31 inclosures.

Muskogee, Indian Territory, May 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

The records in the possession of this office fail to show that any decisions have been rendered or action taken by the Department in the following cases in which the Commissioner rendered decisions adverse to the applicants and forwarded the records therein to the Department on the dates indicated, the date of the letter of transmittal being the same as the date of the decision:

Number.	Style of Case.	Date of Transmittal.
3908	Martha J. Fields, Applicant by Intermarriage	February 27, 1907.
4731	Christopher C. Lowther, Applicant by Intermarriage	February 28, 1907.
7082	John W. Bannon, Applicant by Intermarriage	February 26, 1907.
7523	Elias M. Jenkens, Applicant by Intermarriage	February 26, 1907
F 1237	Adeline Mulkey, Applicant by Intermarriage	February 27, 1907.

Sec. Secretary of the Interior.

Number.	Style of Case.	Date of Transmittal.
D 2807 et al.	Permelia Watson et al., Applicants by Blood	February 28, 1907.
D 2826	Nellee E. Ridge, Applicant by Intermarriage	February 28, 1907.
F R 3813	Katie Johnson, Applicant by Blood	February 28, 1907.
MN 6 et al.	John V. Vaughn et al., Applicants by Blood	February 26, 1907.
MN 66	Susie Rogers, Applicant by Blood	February 28, 1907.
MN 80	George Teague et al., Applicants by Blood	February 23, 1907.
MN 106	R. C. Baye, Applicant by Blood	February 28, 1907.
MN 153	Nancy M. Osburn et al., Applicants by Blood	February 27, 1907.
MN 169	Ada E. White, Applicant by Blood	February 26, 1907.
MN 172	Benjamin F. Welch et al., Applicants by Blood	February 28, 1907.
MN 21	Alexander Keys, Applicant as Freedman	February 28, 1907.
MN 47	Laura Washington, Applicant as Freedman	February 28, 1907.
F R 339 et al.	Katie Vann et al., Applicants as Freedmen	February 28, 1907.
F D 985 et al.	Thaddeus Hill et al. Applicants as Freedmen	March 22, 1904. (Decision dated March 5, 1904)
F N.B 245	Joe Vann, Applicant as Freedman	February 27, 1907.

Hon. Secretary of the Interior-2.

On February 28, 1907, the Commissioner recommended to the Department that the case of Louisa Mayfield, an applicant for enrollment as a Cherokee freedman be passed upon at the same time the case of her alleged father, Thomas Mayfield, through whom she claims her right to enrollment was passed upon. The application for the enrollment of said Thomas Mayfield was included in the consolidated Cherokee freedmen case of Thomas Mayfield et al., in which case the Commissioner decided adverse to the applicants on February 12, 1907, his decision being forwarded to the Department on that date, and the same was approved by the Department on March 2, 1907 (I.T.D. 5980-1907). This office has not been advised of any action taken by the department in the case of said Louisa Mayfield.

On February 28, 1907, the Commissioner transmitted a motion to reopen and reconsider the Cherokee enrollment case of Polly Johnson et al., and recommended that the same be denied. February 11, 1902 (I.T.D. 940-1902), the Department rejected the application of Polly Johnson et al., in accordance with the provisions of the Act of Congress of May 31, 1900 (31 Stats., 221). This office has not been advised of any action taken by the Department on said motion.

Hon. Secretary of the Interior.

It is respectfully requested that this office be advised, in order that its records may be complete, of the action taken by the Department on the above case.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

S. W.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 7, 1907.

I.T.
50065-1907.
D.C. 50065-1907.

Commissioner to the Five Civilized Tribes,

Muskogee,

Indian Territory.

Sir:

The Office has received your letter of May 28, 1907, in which you say that the records in the possession of your office fail to show that any decisions have been rendered or action taken by the Department in cases enumerated by you, in which decisions have been rendered adverse to the applicants by you and forwarded to the Department on certain dates set out in your letter.

The Departmental letters covering all the matters mentioned by you are enclosed.

On March 4, 1907, the Office forwarded to the Secretary of the Interior papers transmitted by you relative to the enrollment of Louisa Mayfield as a Cherokee freedman, suggesting that her case be disposed of in connection with the case of Thomas Mayfield et al., which was then pending in the Department, but apparently the only action taken by the Department is indicated by its letter of March 8, 1907, returning the papers concerning Louisa Mayfield to be filed with the papers in the Thomas Mayfield case. In other words, no final action was taken on the case of Louisa Mayfield.

It is hoped that the enclosures accompanying this letter will enable you to straighten up the records of your office concerning the cases about which you inquire.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

FRB-F.

[illegible] Pensioner required to establish status of principal applicant. Deceased at the commencement and upon the close of the war. The [illegible] birth affidavit, I am [illegible] and children appear on the roll.

Robert Barr,

Chelsea, P.Q.,

A.T.M.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 30 1902

Acting Chairman

CHEROKEE FREEDMEN

Correspondence on Protestation

DEPARTMENT OF THE INTERIOR

CHEROKEE FREEDMEN

Date October 30, 1902

Examiner [illegible]

Dawes No. [illegible]

1. Name
Owner's name
Age
Citizenship
Year Page No. District
Parents:
Father
Citizenship
Mother
Citizenship

2. Name of applicant Katie Martin
Age 58
Citizenship
Husband's name
Citizenship
Year Page No. District
Parents:
Father Lee Martin - dead
Citizenship
Mother
Citizenship

Names of Children.

		Year	Page	No.	Dist.
3. Ben Martin					
4. Frank "					
5. Granville "					
6. Virginia "					
7. Ruda "					
8. Lorenzo "					
9. Lottie "					
10. Leroy "					
11. Orit "					
12.					

Application made by

Stenographer

15
14
13
12
8
9
10
11
7

THE NATURAL HISTORY COLLECTIONS
NOT AN
CHEMICAL SPECIMEN
REFUSED
AS NOT BELONGING
TO NATURAL HISTORY

Transferred to Chemistry

Chem. Fr. R. 350

Trans. Chem. Fr. 43

Chem. Fr. R. 350

P.12

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 31st, 1902.

In the matter of the application of George Alberty for the enrollment of himself as a Cherokee Freedman.

Appearances:
Applicant appears in person.
Cherokee Nation by J. T. Starr

BY MR. STARR:

Comes now the representatives of the Cherokee Nation and protests against the taking of an original application, for the reason that the act of Congress entitled, "An Act to provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," approved July 1st, 1902, and ratified by the citizens of the Cherokee Nation on August 7th, 1902, provides that the rolls of the citizens of the Cherokee Nation shall be made as of September 1st, 1902.

Section 30 of said act provides that, "During the months of September and October, in the year 1902, the Commission to the Five Civilized Tribes may receive applications for enrollment of such infant children as may have been born to recognized and enrolled citizens of the Cherokee Nation on or before the first day of September, 1902, but the application of no person whomsoever for enrollment shall be received after the 31st day of October, 1902."

George Alberty, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. George Alberty.
Q. How old are you? A. 37.
Q. What is your post office address? A. Fort Gibson.
Q. What district in the Cherokee Nation are you living in?
A. Illinois.
Q. Do you apply for enrollment as a Cherokee Freedman or Cherokee by blood? A. Cherokee Freedman.
Q. Do you apply for any one besides yourself? A. No, sir; just myself.
Q. What is the name of your father? A. William Alberty.
Q. Is he living or dead? A. He is living.
Q. Is he a Freedman or state man? A. He is a Freedman.
Q. What is the name of your mother? A. Lilah.
Q. Lilah Alberty? A. Yes, sir.
Q. Is she living? A. Yes, sir.
Q. Is she a Freedman or state woman? A. She is a Freedman.
Q. Who did your father belong to? A. Blue Alberty.
Q. A Cherokee? A. Yes, sir.
Q. Who did your mother belong to? A. She belonged to Petitt for a while but towards the last she belonged to Blue Alberty? A Blue Alberty owned my father and mother too.
Q. Blue Alberty was a Cherokee by blood? A. Yes, sir. She goes by the same name. Lilah Alberty.
Q. Where were you born? A. I was born in the state of Texas.
Q. When did you come to the Indian Territory? A. Why, I come in '83.
Q. Had you been here before that time? A. I hadn't.
Q. Never had been? A. No, sir.

Q. Had you ever been recognized by the tribal authorities as a citizen? A. No, sir; I never was recognized
Q. Have you ever drawn any money? A. No, sir.
Q. Have you been living here continuously since 1863?
A. Yes, sir.
Q. Made your home in the Cherokee Nation since that time?
A. Yes, sir.
Q. Living here now? A. Yes, sir.
Q. How old did you say you were? A. 57.
Q. From family history do you know whether your father left the Cherokee Nation during the war? A. Yes, sir.
Q. Where did he go? A. He went to Texas. That is he was carried there.
Q. Did your mother Lilah Alberty go there too? A. Yes, sir.
Q. She went with your father? A. Yes, sir.
Q. When did your father come back to the Cherokee Nation?
A. The same time I did.
Q. The same time you came back? A. Yes, sir.
Q. That was in 1863? A. Yes, sir.
Q. Had he been here from the war until 1863? A. No, sir.
Q. Do you remember of him coming back before he came with you?
A. No, sir.
Q. Did your mother ever come back? A. No, sir.

The applicant is not identified upon any of the tribal rolls of the Cherokee Nation now in the possession of this Commission, neither does it appear that he was ever admitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof.

George Alberty applies for the enrollment of himself as a Cherokee Freedman. He is not identified upon any of the tribal rolls in the possession of the Commission; neither does it appear that he was ever admitted to citizenship by any of the legally constituted authorities. His application comes within the provisions of the temporary injunction granted by Judge Gill, and according to the terms of said injunction he will be rejected.

++++++++++++++++++++++++++++++++++++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 14th day of January, 1903.

Samuel Gorman
Notary Public.

Cherokee Freedmen 8-340

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Alberty as a Cherokee Freedman.

D E C I S I O N.

The record herein shows that on October 21, 1904, George Alberty appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman.

The evidence herein shows that the applicant is the child of William and Lilah Alberty and possesses no rights to enrollment other than as a descendant of the said William and Lilah Alberty.

The evidence further shows that the said William and Lilah Alberty were the slaves of a Cherokee citizen at the commencement of the war of the rebellion, were taken out of the Cherokee Nation during said war, and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. The applicant can not be identified on the Cherokee authenticated tribal roll of 1880.

It is therefore, the opinion of this Commission that the application for the enrollment of George Alberty as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
this MAR 28 1905

Cherokee Freedmen #480

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Alberty as a Cherokee Freedman.

D E C I S I O N.

The record herein shows that on October 1, 1902, George Alberty appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a Cherokee freedman.

The evidence herein shows that the applicant is the child of William and Lilah Alberty who claimed to belong to enrollment [illegible] of the world living are Lilah Alberty.

The evidence further shows that the said William and Lilah Alberty were the slaves of a Cherokee citizen at the commencement of the war of the rebellion; were taken out of the Cherokee Nation during said war, and did not return thereto within the time specified in the decree of the Court of Claims rendered February [illegible], 1896, in the suit of Lucy Shillaire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. The applicant can not be identified on the Cherokee authenticated tribal roll of 1880.

It is therefore, the opinion of this Commission that the application for the enrollment of George Alberty as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this MAR 28 1905

Cherokee Freedmen

S-[illegible].

Muskogee, Indian Territory, March [illegible], 1907.

George Alberty,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 28, 1906, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby

Chairman.

Incl. S-106.
Register.

Cherokee Freedmen

S-380.

Muskogee, Indian Territory, March 30, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 28, 1908, rejecting the application for the enrollment of George Alberty as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

ORIGINAL. Tams Bixby

Incl. S-107.

Chairman.

COPY

Cherokee Freedmen
S-108.

Muskogee, Indian Territory, March 28, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of George Alberty as a Cherokee freedman, including the Commission's decision dated March 28, 1908, rejecting said application.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-108.

Through the

Commissioner of Indian Affairs.

(Copy)

Letter forwarded to the following:

Land

Secretary

Department of the Interior,
Office of Indian Affairs.
Washington.

April [illegible], 1906.

[illegible]

The Secretary of the Interior.

Sir:

[illegible] I enclose a report from the Commission to the Five Civilized Tribes, dated March 12, 1906, transmitting the record of the application for enrollment as a Cherokee freedman by George Alberty.

March 28, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is the child of William and Milah Alberty and possesses no rights to enrollment except through them. It is further shown that William and Milah Alberty were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867.

The applicant is not identified on the 1880 authenticated Cherokee Roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,
C.F. Larrabee - Acting Commissioner.

M. M. M.
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 28, 1906, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of George Alberty as a Cherokee freedman, including its decision of the same date, rejecting said application.

Reporting April 2, 1906, the Indian Office recommends that said decision be approved. A copy of its letter is enclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

Cherokee Freedmen

M-[illegible], [illegible]

Muskogee, Indian Territory, August 16, 1906.

George Alberty,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 28, 1906, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Department on August 3, 1906.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

CLONEY,

Wm. O. Spurlock

Acting Commissioner.

LS

Incl. S-29

Cherokee Freedmen

S-330.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 16, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated March 26, 1905, rejecting the application for the enrollment of George Alberty as a Cherokee freedman, was affirmed by the Department on August 5, 1905.

For your information there is inclosed herewith copy of Departmental letter referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

LS

Incl. S-39

CHEROKEE FREEDMEN

Date [illegible]

Post Office [illegible]

District [illegible]

1. Name [illegible] Age [illegible]

Owner's name [illegible] Citizenship [illegible]

Year Page No. District

Parents

Father [illegible] Citizenship [illegible]

Mother [illegible] Citizenship [illegible]

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer [illegible]

Cher. Fr. R. 351

See Cher. Fr. 44

Cher. Fr. R. 351

FR 4-5

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR

[illegible]

[illegible]

Joseph Brown, et al.

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision ___ to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

_____

_____
Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this ____ day of _____, 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

FILED

Muskogee, I.T.

[illegible]

[illegible]

By the author of the application [illegible], [illegible], the applicant an citizen of the Cherokee Nation

[illegible] being duly sworn and [illegible] the [illegible] as follows on relative

Q What is your name ? A [illegible]
Q What is your age ? A Twenty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Winnie White, page 197 #3169, Coowescoowee District.

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this August 18, 1902.

B. O. Jones
Notary Public.

POOR ORIGINAL -
BEST AVAILABLE COPY

CFR 371

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 31st, 1902.

In the matter of the application of Ida Johnson for the enrollment of herself and her children, Jennie, Willie, Mary, Walter and Henry Duncan, as Cherokee Freedmen.

Cherokee Nation appears by W. W. Hastings.

Ida Johnson, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Ida Johnson.
Q. How old are you? A. I don't know just exactly how old I is.
Q. About how old? A. My mother said I was born just about the coming out of the war.
Q. What is your post office address? A. Braggs.
Q. What district in the Cherokee Nation are you living in?
A. Illinois.
Q. Do you desire to make application for enrollment as a Cherokee Freedman? A. Yes, sir.

BY MR. HASTINGS:

Comes now the representative of the Cherokee Nation and protests against the reception of this application for the reason that the Commission, under the law enacted by Congress, approved July 1st, 1902, and ratified by the Cherokee people on August 7th, 1902, is forbidden from receiving of any application whatever or any person whatever, other than a child born before September 1st, 1902.

Objection noted.

BY THE COMMISSION:

Q. Do you desire to apply for any one besides yourself?
A. My children.
Q. What is the name of the oldest child living at home with you, unmarried and under 21 years of age? A. Jennie.
Q. How old is she? A. She is 11 years old.
Q. Is her name Jennie Johnson? A. No, sir; Jennie Duncan.
Q. The next child? A. Willie Duncan.
Q. Boy or girl? A. Boy.
Q. How old is he? A. He is 9.
Q. The next child? A. Mary.
Q. How old is she? A. I don't know just exactly how old she is.
Q. Well, about how old? A. About 8 years old.
Q. The next child? A. Walter.
Q. Walter Duncan? A. Yes, sir.
Q. How old is he? A. He is 7 years old.
Q. The next one? A. Henry.
Q. Henry Duncan? A. Yes, sir.
Q. How old is he? A. He is only four years old.
Q. Any more? A. No, sir.
Q. That is all your children, is it? A. Yes, sir.
Q. Are these children all living? A. Yes, sir.
Q. All living at home with you? A. Yes, sir.
Q. What is your father's name? A. I don't know anything about my father. My mother said my father was a Creek.
Q. Creek Freedman or Indian? A. Creek Freedman.
Q. Do you know what his name was? A. Jim Grayson.

Q. Is he living or dead? A. He is dead.
Q. What is your mother's name? A. Betty Whitmore.
Q. Is she living? A. No, sir.
Q. Was she a Cherokee Freedman? A. Yes, sir, she was
Q. Who is the father of these children? A. Charley Duncan.
Q. Is he living? A. No, sir.
Q. Was he a state man? A. No, sir.
Q. What was he? A. He was a Creek.
Q. Have you ever applied for these children as Creeks? A. No, sir
Q. Have you ever applied for yourself as a Creek Freedman?
A. No, sir; I never have.
Q. Where were you born? A. Flint.
Q. Cherokee Nation? A. Yes, sir.
Q. Did you leave the Cherokee Nation during the war? A. No, sir.
Q. Did your mother? A. My mother never left here.
Q. Have you ever been recognized by the tribal authorities as a citizen? A. Yes, sir; by the Cherokees. My name is on the old rolls.
Q. Have you ever drawn any money? A. No, sir.
Q. Ever draw any for your children? A. No, sir.
Q. Have you always lived in the Cherokee Nation? A. Yes, sir.
Q. How much of the time have you been out? A. I can't tell how much of the time I been out but very little of the time.
Q. Have you ever lived in the states? A. No, sir; I lived in the Creek Nation.
Q. Never lived in Kansas, Arkansas, Missouri or the other states?
A. No, sir.
Q. Were these children all born here? A. Yes, sir.

BY MR. HASTINGS:
Q. Where were you married? A. To Charley Duncan?
Q. Yes. A. In the Cherokee Nation here.
Q. Where were you married? A. In the Cherokee Nation.
Q. What part of the Cherokee Nation?
A. Lower part of Sequoyah district.
Q. In Fort Smith? A. No, sir; on this side of the river.
Q. At whose place? A. On the old Duncan place.
Q. Had you been married before? A. No, sir.
Q. Had you had any children before? A. No, sir.
Q. When did you commence to live with the father of these children?
A. I couldn't tell you how long it has been; about 19 years I guess.
Q. You never did draw any money? A. No, sir.
Q. Why didn't you come up to Fort Gibson? A. I was in child bed. I was unable to come there.

BY THE COMMISSION:
Q. Is that child that was born then living or dead? A. It is dead
Q. How long have you been named Johnson? A. I don't know just exactly how long.
Q. What is your present husband's name? A. Sam Johnson.
Q. A state man? A. No, sir.
Q. What is he? A. He is a Cherokee citizen.

BY MR. HASTINGS:
Q. When did you commence living with him? A. I don't know how long it has been.
Q. Is that your husband there (indicating)? A. Yes, sir.
Q. Who do you claim that your old owner was? A. Whitmire.
Q. What was his first name? A. George Whitmire was my mother's owner.
Q. Were you old enough to remember? A. I was little. I only know what my mother told me.
Q. How could your father have been part Creek with him living over here and you living clear over there? A. I can't help that, I know just what they called him.

Q. Did you apply to the Kern-Clifton Commission in 1896 for enrollment? A. No, sir; I couldn't go. I was sick.
Q. The Commission sat at Sallisaw? A. Yes, sir.
Q. At Fort Gibson two or three times? A. Yes, sir.
Q. Where were you? A. I was at Redland.
Q. Why didn't you make application? A. I couldn't.
Q. You didn't have any one make one for you? A. They couldn't. It is what they told me.

BY THE COMMISSION:
Q. Did you ever live in Fort Smith? A. No, sir.

BY MR. HASTINGS:
Q. Where was Jennie born? A. Born here to Redland.
Q. Where was Willie? A. Born on the Thomas Ainsworth farm.
Q. Was Jennie born there too? A. No, sir.
Q. Was Mary born there? A. Yes, sir.
Q. Where was Walter born? A. Born at Mrs. Swimmer's.
Q. Where is Tom Ainsworth? A. Across the river in the Choctaw Nation.
Q. Where was Henry born? A. Born at Mrs. Swimmer's.
Q. Where is that? A. Up on the salt lick.
Q. What Nation? A. Cherokee Nation.
Q. Who did you live with immediately after the war? A. John Swimmer.
Q. Is he a Cherokee by blood? A. Yes, sir.
Q. Where is he? A. He is dead.
Q. Has he got any folks living? A. I don't know.
Q. Did you know his wife? A. Yes, sir.
Q. Is she living? A. No, sir.
Q. Got any children living? A. Yes, sir.
Q. What are their names? A. I ain't seen the boys. They got a little girl named Martha.
Q. Are any of John Swimmer's neighbors, who were his neighbors then, after the war, living? A. I don't know. I was quite a small child.
Q. Who were the neighbors around there? A. John Swimmer, he was there, Tom Donough, old man Donough.
Q. Did Donough have any family? A. Yes, sir.
Q. Near what town was it? A. There was a little town out there, I forget what they called the little town. Natchez town; that is what they called it there; down here on Greenleaf.
Q. They called it Natchez town? A. Yes, sir.

Neither the applicant or her children are identified upon any of the tribal rolls in the possession of the Commission. Nor does it appear that they were ever admitted to citizenship by any of the legally constituted authorities.

This application comes within the provisions of the temporary injunction granted by Judge Gill, and under the provisions of the same the applicants herein will be listed for rejection.

Jesse C. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse C. Carr

Subscribed and sworn to before me this 6th day of February, 1905.

Samuel Gardner

Notary Public.

FILED
DEC 13 1904
COMMISSION TO FIVE TRIBES.

Cherokee F 1641.

TESTIMONY OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 14, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Ida Johnson et al., as Cherokee freedmen.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its representative, J. S. Davenport.

IDA JOHNSON, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Ida Johnson.
Q How old are you? A 34 I think.
Q What is your post office address? A I guess I get my post office mail here.
Q Muskogee? A Yes sir, it has been going to Braggs but they send it back here.
Q Have you any children? A Yes sir.
Q What are their names? A My older girl is named Jennie, boy name is Willie, and Mary, and Henry, and Walter and Johnnie, got six children.
Q Do you remember of appearing here before the Commission on October 31, 1902, and making application for the enrollment of yourself and your children Jennie, Willie, Mary L., Walter, and Henry Duncan, as Cherokee freedmen? A Yes sir I knew of coming here and making application but I don't know I was making it as Cherokees, all my relations is Creeks, I was raised by Cherokee citizens and freedmen, I was bred and born here.
Q What was your mother's name? A My mother's name is Betty.
Q Was she a slave at the commencement of the rebellion? A Yes sir.
Q Who was her owner? A I can't call his name, he lived on North Fork.
Q Was he a Creek Indian? A Yes sir.
Q What was your father's name? A His name was Bull Grayson.
Q Was he a slave? A Yes sir.
Q Who was he owned by at the commencement of the rebellion? A He was owned by the Graysons.
Q Who were they? A They belonged to ———
Q They were Creek Indians? A Yes sir.
Q Are their parents living? A No sir they are dead.
Q Both? A Yes sir.
Q You say it was your intention when you appeared on October 31, 1902, to make application for enrollment as Creek freedmen?
A My intention was when I appeared here to make enrollment as a Creek freedman but being raised by Cherokee owners and citizens.
Q You desire to make application for the enrollment as a Creek freedman? A Yes sir.
Q You don't claim any rights to enrollment as a Cherokee freedman?
A No not any more than being raised up there.
Q Who is the father of these children of yours? A Charles Duncan.
Q What is he? A A Creek citizen, he is dead, belonged to old man Duncan, the old Creek Duncan.

Q The father of these children was not a Cherokee freedman? A No sir, Creek freedman.
Q He claimed no rights as a Cherokee? A No sir.
Q You desire at the present time to withdraw this application that you made for their enrollment as Cherokee freedmen? A I want my citizenship here where I belong. I don't ever an right there at all any more than I was raised by Cherokee slaves, raised up here since the war by Betsy Whitmire, who died at Hard Town.

This was all the testimony submitted in this case on this date.

W. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

W M Vance

Subscribed and sworn to before me this 13 day of December, 1904.

Charles H Lamp
Notary Public.

FILED
MAY 27 1905
COMMISSIONER OF PATENTS

FR 305

Cherokee Freedman-Roll.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, May 11, 1905.

In the matter of the application for the enrollment of Lillie Sanders et al. as Cherokee Freedmen.

Blue & Bulger, attorneys for the applicants.

Bell, Hastings & Davenport, attorneys for the Cherokee Nation.

C O M M I S S I O N.

On this, the 11th day of May, 1905, this cause coming on to be heard, the applicants appear not in person, but by attorney, and the attorney does not know what to do.

The Cherokee Nation desires that the case be closed.

COMMISSION:

Every opportunity has been granted in this case to the applicants and their attorneys, and the case will now be closed.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 11th day of May, 1905, and that the above is a true and correct record of said proceedings had in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 15th. day of May, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONERS TO THE FIVE CIVILIZED TRIBES
Muskogee, Ind. Ter. July 6, 1906.

In the matter of the application for the enrollment of GREEN CHAMBERS as a Cherokee Freedman.

Applicant appears in person.
Cherokee Nation by Attorney, W. W. Hastings.

GREEN CHAMBERS being first duly sworn, testified as follows:

Q. What is your name? A. My name sir, is Green Chambers.
Q. How old are you? A. I am about sixty.
Q. What is your postoffice? A. Van Buren.
Q. Van Buren Arkansas? A. Yes sir.
Q. Have you a postoffice box? A. No sir.
Q. You claim to be a Cherokee freedman, do you? A. Yes sir.
Q. Have you ever before this time, appeared in person to make an application for enrollment? A. Before now?
A. Yes? A. No sir, because I wasn't never called on.
Q. Have you ever before this time made any form of application to the Dawes Commission for enrollment? A. Yes sir, I did.
Q. In what form was the application made? A. Why, I had it done by old man Grant, to explain to them who I was and what I was claiming, and write to them and tell them that I would give in my testimony and all of these things, so that they could put me any further as an innocent man, and Mr. Grant didn't do it.
Q. Mr. Grant did not do it? A. No sir, he did not.
Q. Did any one ever write to the Dawes Commission for you before this time? A. Yes sir, Mr. Clegg did and Mr. Harvey, he told me he wrote to the Dawes Commission, and he said the commissioner gentlemen was so busy they couldn't get to my case, but he said when they got to me they would notify him.
Q. What Harvey was he? A. He was a Justice of the Peace.
Q. Do you know his full name? A. Harvey, I don't know any other name, a Justice of the Peace in Van Buren
Q. What did they call him when they spoke to him?
A. Just called him Mr. Harvey; don't know any other name and I knowed him a long time.
Q. Has any one else ever written a letter for you? A. I got a lawyer there, a young man, I can't think of his name -- Mr. Lark,
Q. Can you sign your name? A. No sir, I don't know A from B.
Q. Are you the only person by the name of Green Chambers living in Van Buren that you know of? A. Yes sir? There's a Hughes, a white man, but he aint named Green, and there aint no Chambers there.
Q. Have you had any letters, several letters or any letters at all from the Dawes Commission about your case. A. Why, I had two, I guess they came from the Dawes Commission, one before the close, one before that close came, the first one was sent me, and the last one they sent me they said if you can get here tomorrow we can save you and if you don't we are going to close. Old man Grant told me I ought to go up there.

Q. Who was it any one wrote to the Dawes Commission for you?
A. Well, Mr. Harvey he attended to it for about four or five years; Tom Davis and the Postmaster and all of them will swear to that.
Q. Did you ever authorize anyone to sign your name to any letters that were written to the Commission? A. No sir, I never have wanted my name, only signed this away, to let them know how I was Green Chambers.
Q. Did you tell them to sign it for you? A. No sir, I don't think I ever told any of them to sign a letter for me.
Q. Then if the Commission ever got a letter from any person signed Green Chambers, it wasn't from you? A. No that wasn't from me.
Q. Well was it written for you? A. Well, these men that I had to write, of course they had to let the Commission know who it was that was trying to get the application; I didn't know how to fix a letter.
Q. Did you ever get any letters from the Commission? A. I don't know who they came from, old man Grant, he had them.
Q. Did you ever get any letters yourself? A. No sir, I never, they was always handed to me by these men that was working for me.
Q. Do you ever go to the postoffice? A. Yes sir, I have gone there over fifty times I reckon, and they tell me there was nothing there, and the young lady there she wouldn't even look in the office, and I told him one day "It's mighty funny there aint not nothing for me," and I said "Mister, looks like theres something wrong, and he said, yes something rotten."
Q. Who ever handed you letters from the Commission? A. Mr. Grant he handed me letters, and he said, "Here's your letter, and if you go you will be all right, that's the onliest way that will ever do any good, and you aint got but one day to go on; and I was sick.
Q. Who else besides Mr. Grant ever wrote any letters for you to the Commission. A. Mr. Clegg did, Joe Clegg.
Q. Did he ever hand you any letter from this Commission? A. Yes sir, he handed me letters.
Q. When? A. Well, it has been, I don't know when the last one was you all got here at the office; he was the last man that was doing any work. Mr. Grant he said he was the onliest man that could do me any good. I don't know how long it has been.
Q. The if this office ever got a letter from a person living at Van Buren, Arkansas, named Green Chambers, and signed by Green Chambers, is that you? A. I didn't sign it; if they signed it, understand me they was working to try to get me on the roll; I didn't tell them to go and make any signments; I told them to do what was right.
Q. The you never authorized anyone to make any application for you or to write a letter and sign your name to it? A. I don't think I did
Q. Do you know whether you did or not? A. No sir, to be plain with you, I can't recollect whether I did or not.
Q. Your memory is faulty isn't it? A. No sir, it is not very faulty.
Q. You can't remember dates can you? A. I can remember dates, that young lawyer, Mr. Lark, he --
Q. What year is this? A. Why that was before--
Q. What year is this, this present year? A. Well, it is a new year.
Q. What year is it, 1910, or what is it? A. Why, I heard some of them say a good while ago that it was 1901, I don't know how long it has been.

Q. Young don't know one year from another do you? A. No sir, I don't know nothing about such things as that.
Q. Now, are you the Green Chambers living at Van Buren, Arkansas, who has had a great number of people writing to this office, asking about your Cherokee Freedman case. A. Yes sir, I am I am the very one; I am the man that done it.
Q. You don't know whether anyone ever wrote a letter and signed your name or not, do you? A. No sir, I don't.
Q. You have been working on your claim for several years? A. Yes sir, I have been after it for sixteen years or more.
Q. And you have had people writing everyone you could think of to try to do you any good? A. Yes sir, I have had old man Grant and--
Q. If this office got a letter from a person living down at Van Buren, Arkansas about two years ago signed Green Chambers, do you think it was written for you? A. Yes sir, Since I think of it, to put this thing plain, there was a lady down there by the name of Miss Kate Neal, and I got her--white lady--to write the Commission and ask how is it I can't hear from the letters that Mr. Grant and them was sending to the Commission, and I went to the office and couldn't get no letters, and the young lady that wrote was just trying to find out what was being done for me
Q. You are the only person living at Van Buren, by the name of Green Chambers, trying to get enrolled as a Cherokee freedman?
A. Yes sir, I am the oldest one; old Uncle Dick Chambers is dead.

The records of this office show that on September 9, 1904, there was received a letter signed by Green Chambers, Van Buren, Arkansas, dated September 6, 1904, stating that he was a Cherokee freedman and was the slave of Henry Chambers and stating that he was "ready to come to Muskogee at any time and satisfy you by the best of proof that I am entitled to the rights of a Cherokee Freedman. Shall I come." This letter is File No. 32607.-1904.

Q. What was thename of yourfather? A. My father's name was Henry.
Q. Henry what? A. Henry Hurd, he belonged to Hurd.
Q. Is he dead? A. Yes sir, he is dead.
Q. Was he a Cherokee freedman? A. Yes sir, I reckon he was; I don't know nothing about him.
Q. What was the name of your mother? A. Minerva.
Q. Is she living? A. No sir, she is dead a long time
Q. Was she a Cherokee freedman? A. No sir.
Q. Was you a slave yourself? A. I was a slave, belonged to Mr. Chambers.
Q. What was his full name? A. Henry
Q. Was he a citizen of the Cherokee Nation? A. Yes sir, certain, his business was always in Fort Gibson there.
Q. Was he a Cherokee by blood? A. Yes sir, a fullblood Cherokee
Q. Did he own you at the breaking out of the Civil War?
A. Yes sir, but they had me hired away from him.
Q. Did you leave the Cherokee Nation during the war? A. No sir; he had me carried off.
Q. Where did you go? A. Well, I will just tell you plain now, they carried me around in so many different places I can't answer that question, you know I am ignorant, can't read and write.
Q. Where were you when the war came up? A. Why, I was in the Nation when the war was going on.
Q. Whereabouts? A. Well, up about Jacktown.
Q. In what part of the Cherokee Nation is that? A. Right out this side of old Miss Stoneroad's I reckon you all know where that is.

Q. In what District? A. I don't know about any Districts; don't know any more about districts than that there was ever there.
Q. Did you ever return to the Cherokee Nation after the war?
A. Yes sir, it was my home. Q. When did you return to the Cherokee Nation? A. Why, I stayed round here in the Cherokee Nation after we was declared free; I was in this Fort Gibson with the soldiers and we went down to Little Rock, some of them was mustered out there and some of them was brought back, and I come back to Fort Gibson with Ephraim Jackson, and worked here and there just anywhere where I could get my grub at.
Q. How long was it after the war when you come back from that trip to Little Rock?
A. When I come back, I guess was about between six and seven years.
Q. Six or seven years after the war? A. Yes sir.
Q. Where were you when peace was declared? I was in the Nation
Q. Where? A. In Jacktown.
Q. What part of the Nation was Jacktown with reference to Fort Smith and Van Buren? A. I couldn't tell you nothing about that it is away up here about Miss Stonecead's, Jackton is.
Q. Was this Jackton you speak of a full blood settlement?
A. I reckon they was.
Q. Any stores there? A. Yes sir, some little businesses standing around, not many.
Q. That was when the war closed you were at Jacktown? A. Yes sir.
Q. Were you married then? A. No sir; I have been married I will tell you--
Q. I will ask you about that later. Did you ever know any of the Chiefs of the Cherokee Nation? A. Why yes, I know Mr. Love, and my master was a chief of the head committee of the Nation; Mr. Chambers was; he was the head committee of Fort Gibson and Love, he ruled over all of them.
Q. What was his full name-Love's? A. Bo b Love.
Q. Did you ever live down in the Choctaw Nation? A. Yes sir, been all over the Choctaw Nation, hid out and eat among them people.
Q. Where have you made your home since the war? A. I have made my home right back down there at Van Buren.
Q. Ever since the war? A. Yes sir; my native home where I intended to live was in Tahlequah, but I was always down in Van Buren.
Q. How long have you lived in Van Buren now? A. I reckon, off and on about twenty-five or thirty years, off and on.
Q. Do you keep house down there? A. Yes sir.
Q. Have you a family? A. Yes sir, I am the father of ten children
Q. You have lived and kept house in Van Buren then for the last twenty-five or thirty years? A. Yes sir.
Q. You vote down there do you? A. Yes sir
Q. Vote for Governor and the state officers? A. Yes sir, I have voted for them all.
Q. Have voted down there all the time for the last twenty-five or thirty years? A. Yes sir.
Q. Have you any children under age? A. I have one boy under age
Q. How old is he? A. He is aged thirteen years, going on fourteen.
QM. What is his name? A. Hamilton Hughes.
Q. Is that his full name? A. Yes sir
Q. Is he your own child? A. Yes sir, he is my child
Q. How comes it that his name is Hughes and your name is Chambers?
A. Well, now sir, I will put you on to that; well, when I was

willing here to you men here to let you know who I was and where my home was so you could ask anyone about my case, and find my people, and so I give in my name Green Chambers, because you know us colored people, we always went by the name of our masters and mistresses, and I never had no other belief but my masters was Chambers, so I told you all my name was Chambers, and down there I was knowing by the name of Green Hughes.

Q Then the name you go by all the time down at Van Buren is Hughes? A Yes sir, Green Hughes. I can spell my name, but I cant write it. My father's name, when I found out about it I learned was Hughes.

Q Is your wife a state woman? A Yes sir, she is a state woman, I married her in the state.

Q Did you ever own any property in the Cherokee Nation? A No sir, not a foot, never did stay here long enough.

BY W. W. MARTINDEL:

Q Where did you marry? A I married in the State.

Q What town or place in the State? A Well, I reckon, Van Buren country, I reckon.

Q Were you married in the town or out in the country?

A Why, I called it in town.

Q You know where you were married don't you? A Well, it was in the country.

Q Were you living on a farm? A Yes sir.

Q Then you and your wife lived on a farm there a while?

A Yes sir, for a while.

A Four or five months, and she got unsatisfied and didn't want to stay any longer, and we moved to town.

Q Then you moved to Van Buren and have lived there ever since?

A Yes sir.

Q About what year were you married? A I don't know any more about what year than nothing

Q You say you have got ten children? A Yes sir.

Q How old is the oldest one? A I don't know

Q Are these children all living? A Yes sir, I reckon.

Q Is the oldest one living? A Yes sir.

Q If he is living how old is he? A Well sir, if I can get it right, I have been married about thirty-two or thirty-three years, and he ought to be about twenty-five or twenty-six years old.

Q As near as you can get at it you have been married thirty-two or thirty-three years, you say? A Yes sir.

Q And you married in the country near Van Buren, Arkansas?

A Yes sir.

Q And four or five months after that you moved into town and have lived in Van Buren, Arkansas, ever since? A Yes sir.

Q And all ten of your children were born there? A Yes sir.

Q I believe you said you had been going by the name of Hughes?

A Yes sir.

Q Now, how did you come by that name--from whom did you take that name? A Well, my father, from what my sister told me, he was called Henry Hughes, and of course if he went by the name of Hughes, that would make him a Hughes, and me a Hughes, but you know us colored folks we went by the name of masters and mistresses, and so--

Q How long was it before the war that Henry Chambers hired you out or sold you out? A Well, as near as I can get at it, the business was right at hand I guess, because I heard them talking about it. I know they was all talking and they said "if we don't run the niggers down south we will loose them."

Q About how old are you? A Well, to the best of my judgment it is about this. Just about six months before that was done he sent me to this mill on Grand River with a sack of corn to grind, put me on a horse, and the sack come untied and the corn dusted, and I got down and picked my corn up and had to wait till pretty near sundown to get somebody to put me on the horse and send me on to mill; and you can guess about how old I was.

Q Were you as much as six or seven years old? A Well, I guess I was about six or seven years old.

Q About how old are you now? A I am about sixty.

Q And you think you were six or seven years old when you left Henry Chambers? A I was about that age, as near as I can get at it. But I didn't stay and the next time he started me out they was talking about volunteers.

Q Well, where did you go when he started you?

A Well, the next time he sent me out with a man by the name of Soroggins

Q Was Soroggins a white man? A Yes, and he carried me away down there somewheres.

Q To Arkansas? A Yes sir.

Q Little Rock? A Yes sir, below Little Rock, way below there?

Q What did you do down there? A Why, he made me work, and I run away from him.

Q How long did you work for him down there? A I reckon about a year, or not quite that long.

Q Was the war going on when you came back? A No sir, it wasn't going on.

Q Well, were you taken up down there? A No, sir, I never let him get me.

Q Where did you come to? A Down in the Choctaw Nation, and in Jacktown.

Q That was before the war? A That was about the time the war was breaking out--going on.

Q Then you were with this white man Soroggins, below Little Rock just about when the war commenced? A Yes sir.

Q And you ran off from him in about a year? A Yes sir.

Q And you came down in the Choctaw Nation? A Yes sir.

Q Was that where you got acquainted with Mr. Love? A I got acquainted with him in the Cherokee Nation and went to Van Buren and worked for him.

Q Was that during the war? A That was after the war; I worked for Mr. Bob Love, and I was coming back and forwards to the Nation, sometimes him and sometimes his son, Mr. Tom Love.

Q Was Tom Love a Choctaw? A Yes sir, a big man.

Q Did you ever draw any money in the Cherokee Nation? A No sir.

Q Did you ever apply for any? A Yes sir, I sent in my application; got Miss Pearl Lawrie to write a letterfor me.

Q Where did she live? A She lives at Eureka Springs. Then she lived in Van Buren.

Q How long ago was that? A Well, you recollect when Beatright was going around paying? I tried to get him to write for me and he said his hands was so full that he just couldn't do it.

Q Well, as I understand it you have lived always in Van Buren, since the war- you have never had any settled place in the Nation? A No, no, sir, I never had any settled place. That was my home.

Q But you always lived in Van Buren, Arkansas? A Well, I did not consider Van Buren my home, because I was run from my home down there, and the Nation is my home.

Q But you never lived in the Nation since the War? A No sir.

Green Chambers --4

Q You considered the Nation your home, but you never lived here?
A No sir. I written to my old master and told him to help me out, that my home was in the nation.

On Behalf of Commissioner:

Q Do you want to submit your case to this office and let us render a decision as to your right to enrollment? A Yes sir.
Q You have no further proof to offer? A I have no further proof. I was raised with my native people. I had one woman, old Aunt Perry Lee, but I never took her before any Notary Public.
Q If the Cherokee Nation offers any evidence against you to dispute the statements you have made, do you desire to introduce any further testimony? A No sir, I could as soon pass by as not.
Q Do you want to let the case be decided by this office, and this office furnish you a copy of the decision? A Yes sir.

Mr. Hastings: I have no further testimony.

CASE CLOSED.

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly recorded the proceedings had in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 17th day of July, 1906.

Chas E Webster
Notary Public

Cherokee Freedmen B 881

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ida Johnson , et al., as Cherokee Freedmen.

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That, on October 11, 1902, Ida Johnson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor children, Jennie, Willie, Mary (L.), Walter and Henry Duncan. Further proceedings in the matter of said application were had September 14, 1904, at Muskogee, Indian Territory. The record further shows that said applicants herein have been denied enrollment as Creek freedmen, by this Commission, and its decision duly affirmed by the Department.

After ample opportunity having been afforded, it is not established by satisfactory evidence that the applicants herein possess any rights to enrollment as Cherokee freedmen, and they cannot be identified on any roll of the Cherokee Nation.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That, following the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 344-1904), William Foster, (I.T.D. 1468-1904),

Minnie Duncan et al, (I.T.D. 1470-1904), Emmette Chambers, (I.T.D. 4476-1904), Ed Williams, (I.T.D. 4230-1904), and Harry Ross, (I.T.D. 4086-1904), the application for the enrollment of Ida Johnson, Jennie Duncan, Willie Duncan, Mary (L.) Duncan, Walter Duncan and Henry Duncan, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) James Bixby.

Chairman

(Signed) T. B. Needles.

Commissioner

(Signed) C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this June 30 1905

(1107)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Green Chambers as a Cherokee Freedman.

-o/o-

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW that on September 8, 1904, Green Chambers addressed a communication to the Commission to the Five Civilized Tribes wherein he claimed the right to enrollment as a Cherokee Freedman, and made application to said Commission for enrollment as such.

The records further show that on July 6, 1906, said applicant, Green Chambers, (also known as Green Hughes), appeared before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Green Chambers, claims to have been, at one time, the slave of a Cherokee citizen, but his testimony fails to show that he was owned by a citizen of the Cherokee Nation, or resided in said Nation, at the commencement of the war of the rebellion. The evidence further shows that said applicant resided in the Choctaw Nation and the State of Arkansas during said war, and that he did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation, and it is further shown that for the past thirty-two or thirty-three years he has continuously resided in the State of Arkansas, during which time he has exercised all the rights of a citizen of said state, and that he has never owned or controlled any property in the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Green Chambers is not entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly denied.

Tams Bixby
COMMISSIONER

Dated at Muskogee, Indian Territory,
this AUG 17 1906

[illegible]

DEPARTMENT OF THE INTERIOR,

D.O.[illegible]-1907
I.T.D.[illegible]-1907.
[illegible]

WASHINGTON.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 17, 1906, you transmitted the record in the matter of the application for the enrollment of Green Chambers as a Cherokee freedman, including your decision of the same date, adverse to the applicant.

Reporting January 12, 1907 (Land 72346-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

Cherokee Nation
Roll.

Muskogee, Indian Territory, July 9, 1904.

Mrs Johnson,

Breeze, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion; whether or not you returned to the Nation after the war within the time allowed in the Treaty of 1866. It is also desired that you furnish the Commission with affidavits as to the births of your minor children applied for.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M., on Tuesday, July 28, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Register.

Enc. B A.

Cherokee Freedmen

R-181.

Muskogee, Indian Territory, July 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Ida Johnson for the enrollment of herself and minor children as Cherokee freedmen R-181, (old No. Memo. 44), you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the applicant was the slave of a Cherokee citizen at the commencement of the war of the rebellion; whether or not she returned to the Nation within the time allowed in the Treaty of 1866; and as to her residence since that time.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A.M., on Tuesday, July 26, 1904, and give testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

9

Enrd.

Muskogee, Indian Territory, August 9, 1904.

Ida Johnson,

Braggs, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony tending to show whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion; whether or not you returned to the Nation after the war within the time allowed in the Treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 14, 1904, and introduce testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

W.D.T. — Cherokee Freedmen.
R-834.

Muskogee, Indian Territory, December 19, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 14, 1904, in the matter of the application for the enrollment of Ida Johnson, et al., as Cherokee freedmen.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-98.

Cherokee Freedmen
D-743, et al.

Muskogee, Indian Territory, December 10, 1904.

Reid, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee freedmen cases:

Freedmen D-743---------- David Johnson, et al.,
Freedmen D-790----------Amy Shields,
Freedmen D-81---------- Jesse Oar,
Freedmen D-301---------- Ida Johnson, et al.,
Freedmen D-1181---------- Henry Taylor, et al.,
Freedmen D-32---------- Pauline Hill, et al.,
Freedmen D-246---------- Jackson Ann Harlston, et al.

Respectfully,

Tams Bixby
Chairman.

Incl. B-93.

Cherokee Freedmen

N 221.

Muskogee, Indian Territory, Dec 14, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Ida Johnson, et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced in support of said application.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 1, 1906, and introduce such testimony as they may desire in this case. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in the matter of said application.

Respectfully,

SIGNED Tams Bixby.
Chairman.

[2 0 7 5]

[illegible] Mass. 7[illegible]

[illegible], [illegible] January [illegible], [illegible]

[illegible]

[illegible]

Gentlemen:

[illegible] acknowledge[illegible] [illegible] [illegible] [

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
341.

Muskogee, Indian Territory, May 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Ida Johnson, et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced in support of said application.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 1, 1905, and introduce such testimony as they may desire in this case. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in the matter of said application.

Respectfully,

Chairman.

In the matter of the application of Ada Johnson, etal for enrollment as Choctaw freedmen.

Stipulation for withdrawal of Application

FILED
JUN 8 1905
COMMISSION TO FIVE TRIBES.

Wm. B. Moore
Atty. for Applicants

DEPARTMENT OF THE INTERIOR

Commission to the Five Civilized Tribes,

Muskogee, I. T., June 7, 1906.

In the matter of the application of Ida Johnson, et al., for enrollment as CHEROKEE FREEDMAN.

Stipulation for withdrawal of application.

Comes now the petitioner, herein, and for cause of this petition states that she intends to file a motion for another hearing in her application before the Commission to the Five Civilized Tribes for enrollment as CREEK FREEDMAN, and that she desires and it is hereby stipulated and agreed that they are willing for her application as a CHEROKEE FREEDMAN to be dismissed.

Wherefore, your petitioner respectfully asks that her application for enrollment as CHEROKEE FREEDMAN be dismissed.

Ida Johnson
Petitioner.

M. B. Moore
Atty. for Applicant.

Cherokee Freedmen

S-321.

Muskogee, Indian Territory, June 30, 1906.

J. Garfield Duell,

Attorney for Ida Johnson, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application for the enrollment of Ida Johnson, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-78
Register

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
B-121.

Muskogee, Indian Territory, June 30, 1908.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for the enrollment of Ida Johnson, et al, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. B-79
Register

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen

B-111.

Muskogee, Indian Territory, June 30, 1907.

Ida Johnson,

Bragge, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1907, rejecting the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, J. Garfield Buell, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-77
Register

Cherokee Freedmen
D-88.

Muskogee, Indian Territory, June 30, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Ida Johnson, et als, as Cherokee Freedmen, including the Commission's decision dated June 30, 1908, rejecting said application.

Respectfully,

Tams Bixby.
Chairman.

Incl. 2-60

Through the

Commissioner of Indian Affairs.

Land,
[illegible]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. July 23, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1908, transmitting the record of the application for enrollment as Cherokee Freedmen by Ida Johnson for herself and her minor children, Jennie, Willie, Mary L., Walter and Henry Duncan.

June 30, 1908, the Commission decided adversely to all the applicants.

The record shows that the applicants have been denied enrollment as Creek Freedmen and the decision affirmed by the Department. It is further shown that after ample opportunity afforded the applicants have failed to establish that they possess any rights as Cherokee Freedmen, and they are not identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

Cherokee Freedmen
R 940

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 8, 1906

Hall, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

On motion of Neal and Lemon, Fort Smith, Arkansas, attorneys for Lula White , the Cherokee freedman enrollment case of said Lula White has been continued from August 31 to September 14, 1906.

The said Lula White has been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock, A.M., on Thursday, September 14, 1906, and introduce testimony as to the marriage of her parents and as to her residence in the Cherokee nation.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

W. O. Beall

Acting Commissioner

JMB

W.C.D.
T.P.
LRB

D. S. 6811-1908.
I.T.D. 8716-1908.
LRB

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

October 14, 1908.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1908, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Ida Johnson for the enrollment of herself and her minor children, Jennie, Willie, Mary L., Walter, and Henry Duncan, as Cherokee freedmen.

Reporting July 22, 1908, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary.

1 inclosure.

Cherokee Freedmen

R 881.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 31, 1908.

Mrs Johnson,

Braggs, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for the enrollment of yourself and children, Lennie, Willie, Mary L., Walter and Henry Duncan, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on October 24, 1908.

Respectfully,

Commissioner.

LB

Tarrence Creighton

S. Ind.,

Muskogee, Indian Territory, October 21, 1908.

J. Warfield Duell,

Attorney, for Ida Johnson, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for the enrollment of Ida Johnson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 14, 1908.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby.

Commissioner.

Incl. 9-66
JG

Cherokee Freedmen

S-181.

Muskogee, Indian Territory, October 21, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1908, rejecting the application for the enrollment of Ida Johnson, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 14, 1908.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby.

Commissioner.

LS
Incl. S-65

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 9, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the testimony of July 6, 1906 in the matter of the application for the enrollment of Green Chambers as a Cherokee Freedman.

Respectfully,

Commissioner.

Incl.6-9
LMC

Cherokee Freedmen
R 888

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated August 17 1906, denying the application of Green Chambers for enrollment as a Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H.J.-16.
H.J.C.

[illegible]

Refer in reply to the following:

Land:
Tract-1906

[illegible]

[illegible]

WASHINGTON, January 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 17, 1906, transmitting the record relative to the application of Green Chambers for enrollment as a Cherokee freedman.

On July 6, 1906, Green Chambers (or Hughes), testified before the Commissioner to the Five Civilized Tribes relative to an application alleged to have been made by him in writing for enrollment as a Cherokee freedman on September 8, 1904.

On August 17, 1906, the Commissioner held that the application was sufficient but that the applicant was not entitled to such enrollment.

The evidence shows that the applicant was a slave who left the Cherokee Nation during the war of the rebellion and did not return within the time specified in Section 2 of the Act of April 26, 1906 (34 Stat. L., 137).

The decision of the Commissioner adverse to the applicant is therefore recommended for approval.

Very respectfully,

HRD (Signed) C. F. Larrabee

C Acting Commissioner.

Dockets
E and

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. January 31, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated August 17, 1906, rejecting the application of Green Chambers for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, on January 22, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

E.R.C.
Enc.E.C. 3

FILED

Enrollment of Cherokees

CHEROKEE FREEDMEN

Name

Post Office

Residence

1. Name — Age

Citizen of tribe — Citizenship

Year — Page — No. — Dawes

Parents

Father — Citizenship

Mother — Citizenship

2. Name of tribe — Age

Citizen tribe — Citizenship

Year — Page — No. — Dawes

Parents:

Father — Citizenship

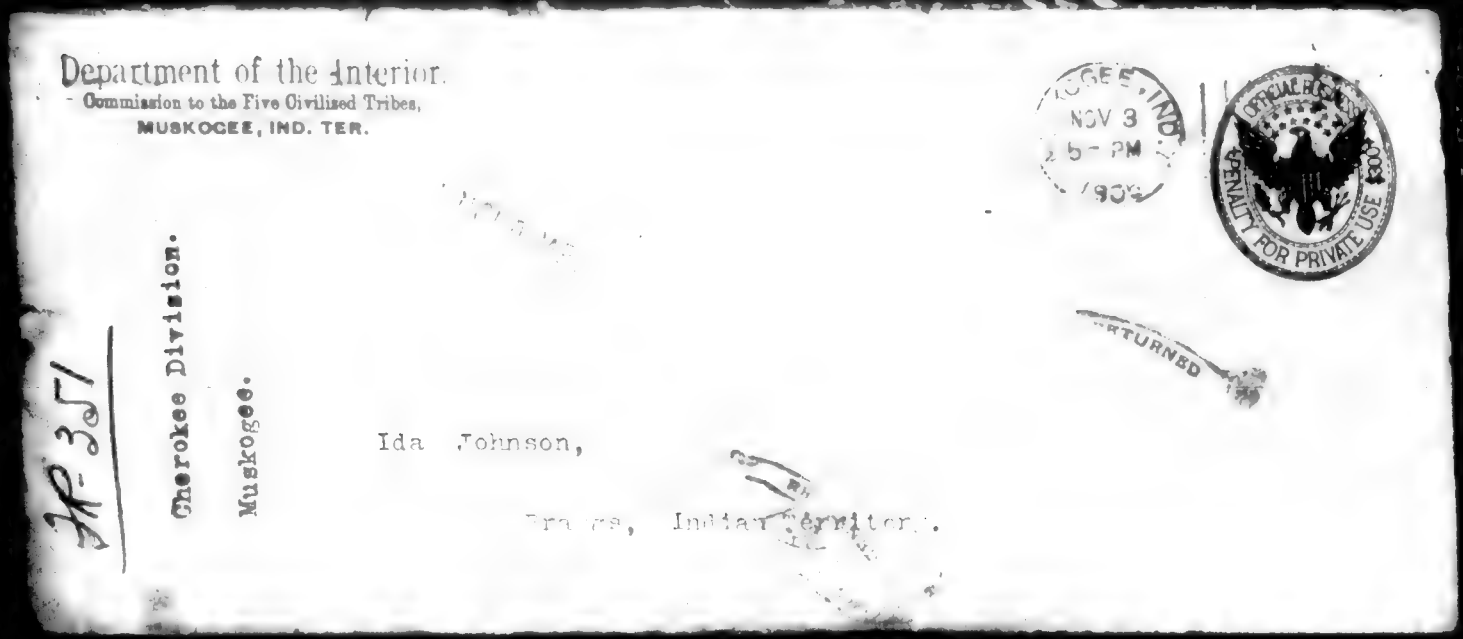
Mother — Citizenship

Names of Children

3.	Year	Page	No.	
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	

Application made by — Stenographer

Muskogee, Indian Territory.



AP-351

Cherokee Division.

Muskogee.

Ida Johnson,

Fraser, Indian Territory.

Department of the Interior

[illegible]

[illegible]

Charles Chandler

FRANK

W. W. Hastings,

Muskogee, Indian Territory.

Department of the Interior

Cher. Fr. R. 352

See Cher. Fr. R. 6a

Cher. Fr. R. 352

[illegible] as to her citizenship and Tribal Rights,
[illegible] as to applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April [illegible], 1901.

In the matter of the application of Susan Harlin for the enrollment of herself and her children as Cherokee Freedmen, being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your full name? A Susan Harlin.
Q That is your name at the present time? A Yes sir.
Q How old are you? A 40.
Q What is your post-office address? A Melvin.
Q In what district do you live? A Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q You want to enroll anybody besides yourself? A I have two children.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, until just before the war I was taken out.
Q You were a slave before the war? A Yes sir.
Q To whom did you belong? A Bill Brewer's father.
Q William Brewer was your master? A Yes sir, young master, the old man was John Brewer.
Q Did you belong to William Brewer or John Brewer? A John Brewer. Bill Brewer was his son.
Q John Brewer dead? A Yes sir.
Q Did he die after the war? A Yes sir.
Q Is William Brewer dead? A No sir.
Q Where is he living? A Across Grand River.
Q How far from here? A About four miles I guess.
Q You were taken out of the Cherokee Nation during the war? A Yes sir.
Q Where were you taken? A To the Chickasaw Nation.
Q You didn't go beyond the Chickasaw Nation? A No sir.
Q When did you come back to the Cherokee Nation? A I have been back about 12 years.
Q Where have you been living all that time? A Out here on 14 mile Creek.
Q I mean before you came back? A In the Chickasaw Nation.
Q Were you ever enrolled down there in the Chickasaw Nation? A No sir.
Q Did you ever apply for enrollment? A No sir, they didn't have any enrollment when I was there in the Chickasaw Nation.
Q Give me the name of your father? A Sam Brewer.
Q Is he dead? A No sir.
Q Where is your father living? A On Fourteen Mile Creek is his home; his wife is a Chickasaw citizen and he went to have her enrolled.
Q That isn't your mother? A No sir, my mother died before the war;
Q This is your step-mother? A Yes sir.
Q When did your father marry your step-mother? A About 16 years ago.
Q Give me the name of your own mother? A Sallie Brewer.
Q She died early in the war, oralong there, did she? A Yes sir
Q You have been married have you? A Yes sir.
Q How many times? A Twice.
Q Give me the name of your first husband? A Tim Blue.
Q Where did you marry him? A In the Chickasaw Nation.
Q Is he dead? A Yes sir.
Q Was he a Chickasaw Freedman? A Yes sir.
Q Well you have married again? A Yes sir.
Q Give me the name of your second husband? A Bass Harlin.
Q Where did you marry him? A In Tahlequah District.
Q When did you marry Bass Harlin? A Seven years ago.
Q Did you marry him after Tim Blue was dead? A Yes sir.
Q Is Bass Harlin alive now? A Yes sir.
Q Does he claim to be a Cherokee Freedman? A Yes sir.

Susan Harlin et al 8

Q Did you live with Tom Blue in the Chickasaw Nation until he died? A Yes sir.
Q How many children did you and Tom Blue have? A Three
Q How many are living children? A Just three.
Q There were three born to you by Tom Blue? A Yes sir.
Q That's all that were born of that marriage? A Yes sir.
Q All born in the Chickasaw Nation? A Yes sir.
Q Are any of them living now? A All of them.
Q Are they enrolled Chickasaws? A No sir, I have enrolled them on every roll except the last roll.
Q You enrolled them as Cherokees? A Yes sir.
Q How many children have you by Bass Harlin? A Just one.
Q Give me the names of those children you want to apply for, the two? A Elizabeth Blue.
Q How old is that child? A 16
Q Give me the name of the next child? A Calvin Blue.
Q How old is that child? A 18.
Q They are both living now? A Yes sir.
Q These children were both born in the Chickasaw Nation? A Yes sir.
Q Did you bring them with you when you came here 12 years ago? A Yes sir.
Q Have they lived with you in the Cherokee Nation ever since you came here 12 years ago? A Yes sir.
Q How did you happen to come back to the Cherokee Nation? A I heard that everybody had to go back to the Cherokee Nation, when I got word that they had to come back, I fixed up and come back.
Q 12 years ago? A Yes sir.
Q Was your father living back here? A Yes sir, he was living back and forth until he married.
Q Have you got anybody here who knows that you are married to Bass Harlin? A Yes sir.

JENETTA HARLIN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Jenetta Harlin.
Q How old are you? A 24
Q What is your post-office? A Melvin.
Q You know this woman here? A Yes sir.
Q How long have you known her? A All my life, I guess; ever since I have been big enough to know her.
Q She married to a man named Bass Harlin? A Yes sir.
Q He any kin to you? A No sir.
Q What was her name when she married Bass Harlin? A ~~[illegible]~~ Susan Blue.
Q About how long since she married Bass Harlin? A I couldn't tell exactly how long.
Q Been some years has it? A Yes sir.
Q You say you have known her all her life? A Yes sir.
Q Where did you know her? A In the Chickasaw Nation.
Q You have been living in the Cherokee Nation since she has been living here? A Yes sir, come with her.
Q About how long ago was that? A It has been 12 years this coming May.

APPLICANT, Susan Harlin, re-called, and further examined By Commissioner Breckinridge, testified:

Q Was Bass Harlin ever married except to you? A Yes sir, once to my knowing.
Q That's all you know of? A Yes sir.
Q What was the name of his first wife? A Violet Harlin.
Q Was she dead when Bass Harlin married you? A Yes sir.
Q Bass Harlin has children that were born before you married him? A Yes sir.

Green Bertie et al S

Q Are these children said to be of one mother? A Yes sir, all of them.
Q They all speak of just one marriage? A Yes sir.

1896 enrollment roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined and name of applicant not identified thereon.

Q Did you draw Cherokee Strip money? A No sir.
Q You are not on any Cherokee roll? A I registered on every one but I never could find them when they payment came.
Q That is you tried to get on them? A Yes sir.
Q But so far as you know, you never did get on? A No sir.
Q Did you try to get your children on, Elizabeth and Calvin Blue?
A Yes sir, I tried to get them on by my mother's name, however.
Q Did you have the same trouble about them you had about yourself?
A Yes sir, never did get them on.

1896 census roll of citizens of the Cherokee Nation examined and applicant's children not identified thereon.

Warne-Clifton pay roll of citizens of the Cherokee Nation examined and applicants' names not identified thereon.

Com'r Breckinridge: The applicant applies for the enrollment of herself and two children; she is shown to have lived in the Chickasaw Nation from some period during the Civil war until 12 years ago; there she married her first husband and there the two children for whom she makes application were born; her first husband and the father of these children being, as she states, a Chickasaw Freedman; but the applicant, after the death of her first husband came some 12 years ago to the Cherokee Nation, and married her present husband, Bass Harlin, who has been regularly enrolled as a Cherokee Freedman, and who it seems was married once before this marriage, but whose former wife was dead when he and the present applicant married. The marriage is established by satisfactory personnal testimony; she will now be listed for enrollment as a Cherokee Freedman by intermarriage, on a doubtful card.

The two children, Elizabeth and Calvin Blue, appear to have no right whatever to enrollment; their mother having, as stated, gone to the Chickasaw Nation during the war, and staid there until after their birth; they are not identified upon any roll; their mother is not, and the application for the enrollment of these two children is rejected.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

M D Green

Subscribed and sworn to before me this April 23, 1901.

C Breckinridge

Commissioner.
Commissioner.

IN THE OFFICE OF THE CLERK OF THE
SUPREME COURT OF THE UNITED STATES
FILED
4 1901

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes.
Fort Gibson, I.T., September 20, 1901.

In the matter of the enrollment of Emma Martin as a Cherokee Freedman.

Appearances:
Applicant, Emma Martin, in person.
W.T. Hastings, for the Cherokee Nation.

Commissioner: Applicant appears in person, after legal notice having been given.

Commissioner: The Cherokee Nation presents a certified copy of the decision of the Supreme Court of the Cherokee Nation in regard to the rights of intermarried citizens, and asks that same be filed, and be made a part of the testimony in the case, which is ordered done.

M.B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.B. Green

Subscribed and sworn to before me this September 20th, 1901.

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Susan Harlin et al., as Cherokee freedmen, consolidating the applications of:

Susan Harlin	Cherokee Freedmen D 141
Elizabeth Blue et al	Cherokee Freedmen E 62

D E C I S I O N.

The record herein shows that on April 23, 1901, Susan Harlin appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her two minor children, Elizabeth and Calvin Blue, as Cherokee freedmen.

The evidence shows that Susan Harlin was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during said rebellion and did not return thereto until after February 11, 1867. The evidence further shows that her minor children were born subsequent to the last mentioned date and can acquire no rights not possessed by their said mother. The said Susan Harlin is not identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Susan Harlin, Elizabeth Blue and Calvin Blue as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

this APR 2 - 1904

[illegible]
Let 6 Enl.

Muskogee, Indian Territory, May 9, 1904.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Susan Harlin et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Susan Harlin, Elizabeth and Calvin Blue as Cherokee freedmen.

Respectfully,

Tams Bixby,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-155.

Cherokee Freedmen
D-148, & D-68.

Muskogee, Indian Territory, May 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Susan Harlin et al., rejecting the application for the enrollment of Susan Harlin, Elizabeth and Calvin Blue as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-154.

Chairman.

Cherokee Freedmen
Docket A-Ch.

Muskogee, Indian Territory, May 6, 1904.

Susan Harris,

Marvin, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two children, Elizabeth and Calvin Blue, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Chairman.

Enc. D-153.

C o p y.

Land Jurisdiction.

Department of the Interior,
Office of Indian Affairs,
Washington, May 18, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated May 4, 1904, transmitting the record of the application of Susan Harlin, et al., for enrollment as Cherokee freedmen.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The evidence shows that Susan Harlin was the slave of a Cherokee citizen and was taken out of the Cherokee Nation during the war of the rebellion and did not return to the Cherokee Nation until after February 11, 1867. The evidence further shows that the two minor children of the claimant, claimed for, were born subsequent to February 11, 1867, and have no rights not possessed by the claimant. The names of the claimants are not found on the 1880 authenticated roll of the Cherokee Nation.

In view of the record, the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

M.M.M.
C.

A. C. Tonner, Acting Commissioner.

[illegible]

[illegible]

[illegible] May [illegible], 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 4, 1904, you transmitted the case involving the applications for enrollment as Cherokee freedmen of Susan Marlin, Elizabeth Blue and Calvin Blue, including your decision of April 20, 1904, rejecting said applications.

Reporting in the matter May 16, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure.

Cherokee Freedmen
D-649 & D-[illegible].

Muskogee, Indian Territory, June 1, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Susan Marlin, Elizabeth and Calvin Blue as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 6, 1904.

Mrs. Marlin,

Melvin, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself and your two minor children, Elizabeth and Sylvia Bird, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 27 1901

CHEROKEE FREEDMEN

Enrolled [illegible]
Post Office [illegible]
Identified [illegible]

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents
Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife [illegible] Age [illegible]
Owners name [illegible] Citizenship [illegible]
Year _____ Page _____ No. _____ District _____
Parents
Father [illegible] Citizenship [illegible]
Mother [illegible] Citizenship _____

Names of Children

3. _____ Year _____ Page _____ No. _____ Dist. _____
4. _____ Year _____ Page _____ No. _____ Dist. _____
5. _____ Year _____ Page _____ No. _____ Dist. _____
6. _____ Year _____ Page _____ No. _____ Dist. _____
7. _____ Year _____ Page _____ No. _____ Dist. _____
8. _____ Year _____ Page _____ No. _____ Dist. _____
9. _____ Year _____ Page _____ No. _____ Dist. _____
10. _____ Year _____ Page _____ No. _____ Dist. _____
11. _____ Year _____ Page _____ No. _____ Dist. _____
12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by _____ Stenographer M. N. Green

Correct

True

"C" 70149

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 13 1901
Acting Commissioner.

Tuesday Morning, June [illegible]

Court convened. Present same as yesterday. The making out of report commenced and the report announced the following decision regarding certain colored men who have married colored women of the nation, viz:

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law Regulating Intermarriage with White Men, as they are convinced a correct interpretation of said law will not authorize a grant of any of the parties to enter a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens are such by adoption, and as such cannot confer rights upon others, without further legislation upon the matter, therefore decides The following named persons are not entitled to Cherokee citizenship as claimed, to wit:"

George Washington, Coweecoowee District

Henry Johnson, Tahlequah

Lee Cooper

Henry Bird

William Madden

[illegible]

Solomon Foster, [illegible]

William Hudson

Haywood Youngblood, Sequoyah District.

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commission" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks

Executive Secretary of Cherokee Nation.

NOTE:—"Decision regarding colored citizens of the United States intermarrying with [illegible] citizens [illegible]

AFFIDAVIT

UNITED STATES OF AMERICA
Indian Territory
NORTHERN DISTRICT } ss

In the matter of the application of Lucy Harlan for enrollment as a Cherokee Freedman

No. P. O. 129

Henry Pack of lawful age being duly sworn on oath states that on the 7th day of Sept, A. D. 1901, he registered to Lucy Harlan whose postoffice is Melvern Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson, I. T. Indian Territory; and that on the 16 day of Sept, 1901, he received the return card which is hereto attached, signed by the said Lucy Harlan, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 16 day of Sept A. D. 1901.

J. C. Hass
Notary Public.

Chickasaw Nation

Tishomingo

INDIAN TERRITORY,
CHICKASAW DISTRICT.

I hereby Certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day A. D. 1901

Marshal for Chickasaw Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of 1901

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D.1901

Subscribed and sworn to before me this day of A.D.1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 27 1901

NOTICE!

IN THE MATTER OF The application of Susan Harlin for enrollment as a Cherokee Freedman.

Case No. 9 to 149 —

To Susan Harlin, Melvin, I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Gibson Indian Territory on the following dates, to-wit: SEP 12 1901 A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 7 1901 day of , 1901.

R. B. Bell

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Susan Harlin,
Melvin, I.T.
Cherokee F-D-149
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

See Cher. Fr. R. 71

Cher. Fr. R. 353

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., April 26, 1902.

In the matter of the application of Marshall H. Houston for the enrollment of himself and wife [illegible] Narcissus Houston, as citizens of the Cherokee Nation; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Marshall H. Houston.
Q What is your age? A 57.
Q What is your postoffice address? A Fort Smith, Arkansas, is my present postoffice address.
Q Where do you reside - do you reside in the State of Arkansas? A Yes sir, now.
Q You apply to be enrolled as a Cherokee citizen? A Yes sir.
Q Have you ever applied to be enrolled as a citizen of any other nation or tribe? A No sir.
Q Did you ever draw money from any other nation or tribe? A Yes sir.
Q What? Any tribe besides the Cherokees? A No sir, none of them.
Q Who do you want to enroll besides yourself? A I have got two children and wife.
Q What is the name of your wife? A Narcissus.
Q How old is she? A She's 55.
(Two children are found to be of age and will make application for themselves.)
Q Have you any minor children? A No sir.
Q Just yourself and wife? A That is all.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
Q Or Cherokee citizen? A No sir.
Q Does your name appear upon any roll of the Cherokee Nation? A Not that I know of.
Q Were you a slave before the war? A No sir.
Q Where were you born? A I was born, they say,-that was a mistake in the other roll- in North Carolina I reckon.
Q Were you a slave? A No sir.
Q Always a free man? A Yes sir.
Q When did you first reside in the Cherokee Nation? A I was here in 1860, from-1861.
Q In 1861? A Yes sir.
Q When did you leave in '61? A Yes sir.
Q Where did you go to? A Tennessee.
Q How long did you live in Tennessee? A I stayed in there until spring in '63, the first of '63, and then come back here and then went back again.
Q Went back again when? A In '63; I was in the Army.
Q Enlisted in the Army? A Yes sir.
Q When did you return to the Cherokee Nation after that? A Early in '66.
Q Have you been living in the Cherokee Natinn continuously since 1866? A Pretty much so.
Q What do you mean by pretty much so? A What I mean by that, I had to go and have to go out of there; I was hurt in the Army, contracted disease; I can't do any labors except gunsmithing and silver-smithing; I have to go out and get work.
Q Where were you married? A Pine Bluff, Arkansas.
Q Was your wife a slave? A Yes sir.
Q When were you married? A I was married in '81, October '81.
Q To whom did your wife belong? A She belonged to the Smiths.
Q Were they Cherokee citizens? A No sir, I don't think they were; I don't know.
Q Your wife then was a slave of the Smiths who lived in the State of Arkansas, is that it? A Yes sir.
Q That was in '81? A Yes sir.
Q Your wife never come to the Cherokee Nation until '81? A No sir, she didn't come then.
Q When did your wife come to the Cherokee Nation? A She come along in about '86 somewhere along there.
Q She's been living here continuously since that

time? A No sir, she came with me.
Q She never was a recognized citizen of the Cherokee Nation? A No sir
Q You say she has never been recognized as a Cherokee citizen? A No, no, sir.

Examined by J. F. Foulke, Attorney for Applicant-
Q At the present time, have you any farms in the Cherokee Nation? A I have.
Q Have you any stock? A Yes sir.
Q Cattle? A Yes sir.
Q Horses? A I got no horses, my horses are dead.
Q And you look after this farm? A Yes sir, I got a man hired on it today to look after it.
Q And these are in the Cherokee Nation? A Yes sir.
Q You say that you have made this Cherokee Nation your home? A Yes sir, I consider it my home.
Q Since '66? A Yes sir.
Q Now, to go back to '60, you were here in the Cherokee Nation? A Yes sir.
Q What did you come here for? A I come here to get my land and make myself a citizen in the nation.
Q You remember what time of the year you came here? A I think it was in May that I got here.
Q In 1860? A Yes sir.
Q And you remained here how long? A My best recollection is I remained here until along about the last of the next May, in '61. That is my recollection.
Q And then you went to Tennessee? A Yes sir, I went back there.
Q And joined the Army? A No sir, I come back here again.
Q And then you went back again? A Yes sir, and I went back again I went back in the fall of '63, in September, I think, I went and joined the army in Tennessee.
Q When were you mustered out? A In January, 1866, I think. My discharge will show that.
Q You came to the Cherokee Nation? A I come to the Cherokee; I left there the first of June of that year and come right to this nation.
Q And got here when? A I got here in June in 1866.
Q Well, you never were a slave? A No sir, never was a slave. Now, as I tell you, I don't want any misunderstanding about that; free niggers in the south, that is a settled fact, they had to have a guardian and they were raised by them and I had to fear the paddle rule as well as any other slave, but still I was free.
Q You came here in '60- was you under the control of anybody - did you come here by yourself? A When I got grown I took part of my time that way.

Examined by W. W. Hastings, Cherokee Representative-
Q About how old are you now? A I am 67 years old, or about it.
Q And you were grown when you came here in '60? A Yes sir, I was grown.
Q You had not married then? A Not when I first come I hadn't.
Q You never had been married before that time? A No sir.
Q You come out here in '60 here to get your land? A Yes sir.
Q You had some land here in 1860? A No sir, I didn't.
Q You was recognized as a citizen here then? A I weren't.
Q That was what you come for? A I come to look around and try to make a home out here.
Q You stayed here eight or ten months? A I stayed here from 1860 along in May, I think it was, until about May, 1861; that was somthing over a year.
Q Who did you live with? A With anybody that I went to I lived with. My guardian was a Moss.
Q Where did he live? A He lived in Tennessee.
Q Who did you live with here in the Cherokee Nation during that year? A I didn't live with anyone at all; I hunted around; with one and another; I don't know the people, I don't see any of them here only George Vann, I seen him when I was here.

2- S. S. 2

Q When did you see the one here in 1866? A I didn't see a soul here then.
Q Do you remember a man you saw? A I don't see any one.
Q Do you remember one you saw then, whether you see them here now or not, who did you live with? A I didn't live with anybody.
Q Who did you stay with? A Some time I would get to stay with a colored person; one and then another.
Q Name some of them that you stayed with? A I don't know whether I can think of anyone of the Names. I don't think that I know a single one.
Q Near what town? A I was out here, out what they call Flint District; I come out in this way and come around the Illinois River and I come down in here at Fayetteville Falls and I went home; I strolled across the river and went back through to Fort Smith.
Q You don't remember nobody you saw? A No sir, I don't, they was hunting and fishing and tramping around.

Commissioner-
Q Where do you live now? A Fort Smith.
Q How long have you lived there? A I lived there since last May.
Q Where did you live before that? A Choctaw Nation, South McAlester.
Q Where did you live before that? A Van Buren.
Q How long ago has that been? A About three years ago; before maybe.
Q Where did you live before that? A I stayed in the Cherokee Nation, backwards and forwards; I stayed at George Vanns, and then I would go out and work out in the country.
Q What business were you in when you were here in the territory - what was your occupation? A I followed gun-smithing and jewelry-smithing.
Q Where did you live with your wife in the Cherokee Nation? A What little I stayed, I didn't live there, didn't put any dwelling; I stayed with George Vann.
Q You actually did not live in the Cherokee Nation with your wife? A No sir.

Examined by J. F. Faulds- Applicant's attorney-
Q You say you kept your effects here in the Cherokee Nation ever since '66? A Yes sir.

Commissioner Needles-
Q What do you call your effects? A My stock.
Q You got a farm in the Cherokee Nation? A Yes sir.
Q Where? A At Cherokee Station.
Q How much? A About 25 acres in.
Q How long have you had that? A I have had it ever since 1866.
Q Did you ever live on it? A I have stayed on it.
Q Did you ever live there with your wife? A No sir, I hadn't this wife then; when I first got there I didn't have this wife.
Q Did you ever apply to the Cherokee authorities to be admitted as a Cherokee citizen? A Yes sir.
Q Did they admit you? A No sir.
Q Did you apply to the Dawes Commission in 1896? A Yes sir.
Q Did they refuse you? A Yes sir, they rejected the claim; they didn't appeal it; they didn't let us know it.

J. F. Faulds, Attorney for Applicant-
Q You applied as a Cherokee citizen by blood at that time? A Yes sir.
Q What nationality are you? A Negro; I am a negro of course.
Q Was your father and mother negroes? A My mother was half negro.
Q And half what? A Half Cherokee.
Q And your father? A My father he was right smart Indian and had negro in him.
Q You claim to be a negro? A Of course, yes.

W. W. Hastings, Cherokee Representative-
Q How long have you known George W. Vann? A I have known him for years.

Q About how many years? A Long before the war, a good while before the war. I was a boy when I first saw him.
Q How many years before the war? A Well now, I won't tell you.
Q About how many? A I wouldn't tell you. I was a boy, I gave you my age.
Q Where did you know him? A I knowed him in the State of Tennessee.
Q What year were you born? A In 1834.
Q Then you knew him when you were six or eight years old? A Somewhere along there.
Q What was his father's name? A I don't know his father's name.
Q You never heard? A Yes sir, I heard him say.
Q What is his mother's name? Do you know? A Yes, I heard of her name, his mother was my aunt.
Q Did you know her name? A I know her name, Charlotte Brown.
Q You testified for George W. Vann when he made an application in 1896 - you made an affidavit? A Yes sir.

George W. Vann, being sworn and examined by Commissioner T.B. Needles, testified as follows:
Q What is your name? A George W. Vann.
Q What is your age? A 87.
Q What is your postoffice? A Benge.

Examined by J. F. Faulds, Attorney for Applicant-
Q You know Hartwell H. Houston? A Yes sir.
Q Do you remember when you first saw him in the Cherokee Nation - about when? A No sir, not just exactly.
Q Was he here in '66? A He was here before '66. I seen him here at different times; three or four different times.
Q Well, has he got a farm and goods and chattels in the Cherokee Nation? A Yes, he owns part of a farm with me on Garrison Creek, which we had cleared up; he gave me the money and took a part in it on Cherokee switch.
Q You know how lond he has had that farm ? A We cleared it up, he didn't, he paid some money in it about '78 or '9 as near as I can get at it; I never kept a record of it.
Q You know where he has made his home since the close of the war? A Well, he has been at various places; sometimes I knowed him to have a gunshop at Webbers Falls, working there, and sometimes I knowed him at South McAlester there with a gunship; sometimes I knowed him living in Arkansas down at Van Buren, fixing guns and cocks, and sometimes just here and there; this time he has a shop at Fort Smith, he fixes Clocks, watches, and guns.

By W. W. Hastings, Cherokee representative-
Q When did you first know this man? A Knowed him from a baby; he was born on the line of North Carolina, running up to Knoxville; I was born in Tennessee.
Q You knew him ever since? A Yes sir, of course I did.
Q Did you know him when he was eight or ten years of age? A Yes sir, and knowed him younger than that.
Q And fifteen years of Age? A Yes sir.
Q Where was he living then? A His mother taken him somewhere; I think to Middle, Tennessee.
Q How do you know that? A Because I seen them; didn't Joe Vann live in East Tennessee right above Chattanooga.
Q When that boy was 15 years old? A I know when he was born; he was a baby I knowed him; he is a cousin of mine.
Q About when was he born? A He was born in North Caroline right over the line between North Caroline and Tennessee; I don't know exactly when he was born.
Q You know from the time he was born clear up to the present time? A From the time his mother had him, off and on; I haven't been with him all that time. He was a soldier.
Q Well, when did you first see him in this country? A I couldn't say; he was in this country three or four times before '66, backwards and forwards.
Q The first time you ever saw him - he is your cousin? A I couldn't get down at that, I never thought any farther about it; it seems

the first time I saw him I was running a steamboat at Fort Smith from there down to little Rock, and I stuck him there and had some fuss with him.
Q About when was that? A I know well I just exactly can't remember the years.
Q About how long before the war was that? A It was before the war.
Q About how many years before the war? A Well, I saw him before the war, then I saw him.
Q About how long? A You can't get that from me.
Q Five or six or ten years before the war? A Not more that three or four, just guessing at it; it is all. guess.
Q Where was he living when you saw him at that time? A He wasn't living in this country. he wasn't living where I saw him.
Q I want to know where he was staying when you saw him in this country before the war - the first time in the Cherokee Nation? A That was just before the war. I think he come from Tennessee here from Chattanooga, he was staying up there.
Q Where did he stop in the Cherokee Nation when you first saw him? A He come to my house and then he went to Fort Smith.
Q Where did he live at that time? A Right down near old Miss Franklins place, down on the river between that and Gayne's in an old cottonwood house.
Q That was three or four years before the war to your best recollection? A No sir, it wasn't about that length of time; before that I stayed at Johnson's and I got to hire my time, and I got my wife and we would just go where we please, and when we built the house there, he come to my house and then he left and went to Fort Smith. I was on one side of the river, he was on the other.

Horace S. Norman, being sworn by Commissioner T. B. Needles, testified as follows:
Q What is your name? A Horace S. Norman.

Examined by J. F. Faulds, Attorney for Applicant-
Q What is your postoffice address? A Gort Gibson now.
Q How old are you? A About 45, I reckon.
Q Do you know Hartwell H. Houston? A Yes sir.
Q How long have you known him? A I couldn't tell exactly how long;its been a good long while though.
Q Since your earliest recollection? A Well, I don't know, not my earliest recollection, I don't suppose.
Q About what year did you first know him? A I couldn't tell exactly what year. I seen him its been a good while ago.
Q Were you a boy or a man when you first saw him? A Pretty good size, pretty near grown.
Q Twenty years ago? A More than that.
Q Thirty years ago? A I couldn't tell exactly; it has hardly been that long; I guess it has been may be that long.
Q Where was he then? A The first time I saw him I seen him on the bank of the river.
Q What river? A Arkansas River.
Q Cherokee Nation? A This side of Fort Smith, Cherokee Nation.
Q Did he have a farm, goods and chattels in the Cherokee Nation at the present time? A He has now; yes sir.
Q He has now? A Yes sir.
Q Where has he been - where has he lived? A He runs a gunsmith shop and clock work around in different places.
Q In the Cherokee Nation? A No sir, he don't run them in the Cherokee Nation.
Q He has a farm here? A Yes, he has a farm here.

Examined by W. W. Hastings, Cherokee representative-
Q Where did you first know him? A The first time was on this side of the river.
Q When? A I don't know exactly.
Q About when? A I reckon - I can't tell exactly what year it was. I reckon it might have been close to thirty years, I reckon; I was pretty near — —.

C-2, 2, 2

Q. He has been living in Sequoyah ever since? A. He has a place.
Q. How long has he had the place? A. I don't know. I have worked on it though.
Q. How long did you work on it? A. Several different times.
Q. Tell me when you first worked on it? A. Its been ten or twelve years ago.

By Commissioner Needles-
Q. Where do you live? A. At Fort Smith.
Q. How long have you lived there? A. Got there last May from the Choctaw Nation.
Q. How long have you lived in the Cherokee Nation? A. This year at Webbers Falls, own a gunsmg there on the Railroad.
Q. Where is your wife? A. She is in Fort Smith.
Q. She has always lived in Fort Smith? A. No sir, I married her in Pine Bluff.
Q. She never lived in the Cherokee Nation? A. She don't live here; she don't live in Fort Smith.
Q. Where do you live? A. I live in the Cherokee Nation and the Choctaw Nation. I have owned some property in the Cherokee Nation; I never owned any in the Choctaw Nation; I have owned some property in Arkansas.

Hartwell H. Houston applies for the enrollment of himself and his wife. It appears from the records that he applied to be enrolled as a Cherokee citizen; he avers that he is free born, and never was a slave. Upon examination of the records of the Commission, it is found that on the 7th day of September, 1896, said Hartwell H. Houston applied to be admitted as a Cherokee citizen by blood to the Dawes Commission under the provisionsof the Act of Congress approved June 10, 1896, and his application was rejected and no appeal was taken. He now applies to be enrolled as a free colored person; his name does not appear upon any of the rolls of the Cherokee Nation, and never has been recognized by the Cherokee Nation as a citizen, and never has drawn any money as a Cherokee Freedman, and does not give satisfactory evidence as to his citizenship, consequently the name of Hartwell H. Houston will be placed upon a doubtful card for further consideration by the Commission. The application for the enrollment of his wife will be denied, consequently the application for the enrollment of his wife, Narcissus Houston, will be rejected as to her.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rothenberger

Subscribed and sworn to before me this 30th day of April, 1901.

Commissioner.

[illegible]

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hartwell H. Houston et al., as Cherokee freedmen, consolidating the applications of:

Hartwell H. Houston	Cherokee Freedmen D 148
Narcissa Houston	Cherokee Freedmen R 71

D E C I S I O N.

The record in this case shows that on April 30, 1901, Hartwell H. Houston appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his wife, Narcissa Houston, as Cherokee freedmen.

The evidence shows that Hartwell H. and Narcissa Houston were not the slaves of a Cherokee citizen nor free colored persons, residing in the Cherokee Nation at the commencement of the rebellion. Neither of the applicants can be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Hartwell H. Houston and Narcissa Houston as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this APR 27 1906

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, I.T. Oct 23 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Theodore St. Johnston for enrollment as Cherokee "Freedman."

J. G. Faulds
Attorney for applicant,

No. C.T.N. 188

Cherokee Freedmen
D-155 & D-11.

Muskogee, Indian Territory, May 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martenil K. Houston et al., involving the Commission's decision, dated April 20, 1904, rejecting the application for the enrollment of Martenil K. Houston and Marriona Houston as Cherokee freedmen.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

Enc. D-155.

Cherokee Freedmen
D-150 & D-71.

Muskogee, Indian Territory, May 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Hartwell H. Houston et al., rejecting the application for the enrollment of Hartwell H. Houston and Narcissa Houston as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Chairman.

Enc. D-157.

Cherokee Freedmen
D-156 & D-71.

Muskogee, Indian Territory, May 4, 1904.

Hartwell H. Houston,
2017 North 12th St.,
Fort Smith, Arkansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your wife, Narcissa Houston, together with a copy of the Commission's decision, dated April 30, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Register. Chairman.

Enc. D-156.

Land [illegible] 1904. [illegible] 97.

Department of the Interior,

Office of Indian Affairs,

Washington, May 17, 1904.

The Commissioner,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated May 4, 1904, transmitting the record of the application of Hartwell M. Houston for enrollment of himself and Narbissa Houston, his wife, as Cherokee freedmen.

April 20, 1904, the Commission found that the claimants were not entitled to enrollment. The evidence shows that Hartwell M. Houston and Narbissa Houston, his wife, were not the slaves of Cherokee citizens nor free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion. Neither of the applicants can be identified on the Cherokee authenticated roll of 1880.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.M.

c/

[illegible] 1904. [illegible] FOR

Department of the Interior,

I.T.D. 4444-1904. Washington, May [illegible], 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 4, 1904, you transmitted the record in the consolidated Cherokee freedman case of Hartwell H. Houston, et al., including your decision of April 20, 1904, rejecting the applications of Hartwell H. Houston and Narbissa Houston.

Reporting in the matter May 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
Docket No. [illegible].

Muskogee, Indian Territory, June 1, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Hartwell H. and Narcissa Houston as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

Cherokee Freedman
S-188 & Encl.

Muskogee, Indian Territory, June 2, 1904.

Hartwell H. Houston,
3017, North 12th Street,
Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself and wife, Narciesa Houston, as Cherokee freedman, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

Copy

Land,
[illegible]
61978-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of May 23, 1904 (I.T.D. 4048-1904) I have the honor to enclose a letter from Neal and London, attorneys, Fort Smith, Arkansas, transmitting a motion to reopen the Cherokee Freedmen enrollment case of Hartwell H. Houston et al.

The record is also enclosed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

(Copy) MKL.

D. C. 64274-1906.
F.P.S.Indian Int.
I.R.D.

I.T.
116

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

August 22, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 16, 1906, the Indian Office submitted a motion received with letter of August 1, 1906, from Neal & London, Fort Smith, Ark., to reopen the Cherokee freedman case of Martwell M. Houston, et al., the subject of departmental letter of May 23, 1904.

The motion is based upon alleged newly discovered evidence. It is inclosed, to be returned to said attorneys, as it bears no evidence of service upon the attorneys for the Cherokee Nation. You will advise the attorneys also that the motion is entirely insufficient to warrant the reopening of the case, as it does not make out a prima facie case for investigation. It is not even supported by affidavits of the persons "just discovered," by whom it is proposed to show compliance with the treaty of 1866.

A copy of the Indian Office letter is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, October 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of a copy of Departmental letter of August 23, 1906, (I.T.D.10194-1906), received September 23, 1906, denying the motion of Neal & London, Fort Smith, Arkansas, attorneys for Hartwell H. Houston, et al, to have the Cherokee Freedman enrollment case of said Hartwell H. Houston, et al., reopened and reviewed. It is stated that the motion is inclosed to be returned to the attorneys by this office.

In reply I have the honor to state that the motion referred to was not inclosed with the copy of Departmental letter above mentioned and I respectfully request that the same be forwarded to this office.

Respectfully,

R

Acting Commissioner.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen

S-304.

Muskogee, Indian Territory, October 12, 1907.

Neal A. London,

Attorneys for Martwell H. Houston, et al.,

Fort Smith, Arkansas.

Gentlemen:

In connection with the application for the enrollment, as Cherokee freedmen, of Martwell H. Houston, et al., you are advised that this office is in receipt of Departmental letter of August 23, inclosing, to be returned to you, your motion to have reopened said case.

The motion is denied by the Department as it bears no evidence of service upon the attorneys of the Cherokee Nation, and for the further reason that it is entirely insufficient to warrant the reopening of the case, as it does not make out a prima facie case for investigation. The motion is inclosed herewith.

There is also inclosed for your information a copy of Departmental letter referred to.

Respectfully,

(SIGNED)

Tams Bixby.

Incl. S-304

Commissioner.

Cherokee Freedmen

S-[illegible].

Muskogee, Indian Territory, October 27, 1902.

Pell, Vastine & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith for your information a copy of Departmental letter of August 23, denying the motion of Messrs. Neal & London to have reopened the Cherokee freedmen enrollment case of Martwell H. Houston, et al.

Respectfully,

Incl. S-305

Commissioner.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

August 29, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith for your consideration and appropriate action, the petition of Hartwell H. Houston for enrollment as a citizen of the Cherokee Nation.

You are advised that this petition was received by the Department on June 20, 1906, and appears to have been inadvertently retained here.

You will follow generally the instructions contained in departmental letter dated July 19, 1906, in relation to the Choctaw freedman case of Ethel Pierson.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedmen
S 343

Muskogee, Indian Territory, September 8, 1906

Hartwell H. Houston,
Box 87,
Roland, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of August 24, 1906, relative to your Cherokee freedman citizenship case.

In reply you are advised the records of this office show that your application for enrollment as a Cherokee freedman was refused by the Secretary of the Interior May 23, 1904. The records apparently fail to show that any motion for a reopening of your case has been filed with this office.

You are further advised that all the papers filed in connection with your case were forwarded to the Department.

Respectfully,

L M R

Acting Commissioner

Muskogee, Indian Territory, October 8, 190

The Honorable,

The Secretary of the Interior.

Sir:

August 29, 1906 (I.T.D. 7323-2181-1906), the Department transmitted to this office for consideration and appropriate action, the petition of Martwell H. Houston for enrollment as a citizen of the Cherokee Nation. It is stated that this petition was received by the Department June 20, 1906, and appears to have been inadvertently retained there. This office is instructed to follow the instructions contained in Departmental letter dated July 19, 1906, in the Choctaw freedman case of Ethel Pierson.

The records of this office show that the decision of the Commission to the Five Civilized Tribes dated April 20, 1904, rejecting, among others, the application for the enrollment of Martwell H. Houston as a Cherokee freedman, was affirmed by the Department May 23, 1904 (I.T.D. 4048-1904).

The petition of this applicant is in the nature

of a motion for a rehearing of his case.

Section 1, of the Act of Congress approved April 26, 1906 (34 Stat., 137), reads in part as follows:

> ". . . .and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order of decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: . . . ."

It is the opinion of this office that the foregoing provision of law is susceptible of but one construction, which is, that in order to confer jurisdiction, motions must have been filed with the Commissioner to the Five Civilized Tribes within the time specified therein.

As the motion of Hartwell H. Houston was not filed with the Commissioner to the Five Civilized Tribes within sixty days after the approval of the aforesaid Act of Congress, it is the opinion of this office that there is no authority for receiving or considering the same. The motion is therefore transmitted herewith to be filed with the record in the case of Hartwell H. Houston.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. R-75

Commissioner

L M B

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

November 1, [illegible].

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of August 23, 1906 (I.T.D. 10194-1906), I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 2, 1906, enclosing the petition of Hartwell H. Houston for enrollment as a citizen of the Cherokee Nation.

The petition of the applicant in this case is in the nature of a motion for a rehearing of his case, on the ground of newly discovered evidence, and was filed with the Department June 20, 1906, and bears the Commissioner's file mark of September 4, 1906. Section 1 of the Act of Congress approved April 26 1906, (34 Stats., 137) provides that motions to reopen or reconsider any citizenship case shall not be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the passage of this Act. This petition bears evidence of having been prepared by a layman rather than an attorney, and the applicant was no doubt unaware of the necessary procedure to secure his rights under this Act. The Office is of the opinion that it would be equitable and just to hold that the filing of the petition with the Department on

June 20, 1942, was a substantial compliance with the law, and respectfully recommends that the petition be granted and the Commissioner directed to reopen and review the case under this Act.

Very respectfully,

E.J. Carraige

Acting Commissioner.

EJC-Kal.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 6, 1906.

C.F.H. Leinbaugh,

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:-

May 23, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes in the Cherokee freedman case of Hartwell H. Houston adverse to the claimant.

On June 30, 1906, there was filed in the Department a petition, in the nature of a motion for rehearing, which was sent to you for appropriate action August 29, 1906, and was resubmitted by you with letter of October 2, 1906, in which you insisted that the motion not having been filed in your office within the time specified in section 1 of the Act of April 26, 1906 (34 Stat., 137), there is no authroity for receiving or considering the same.

The Indian Office, submitting your report November 1, 1906 (land 89565), expresses the opinion that "it would be equitable and just to hold that the filing of the petition with the Department on June 30, 1906, was a substantial compliance with the law", and it recommends that the petition be granted and that you may be directed to reopen and rehear the case.

Outside of any question whether the motion was filed in time, it is sufficient in itself to warrant a rehearing. The application was rejected for the reason that the evidence showed that

Houston was not a slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the Civil war. The motion and joint affidavit attached thereto have merely the general allegation that Houston was residing in the Cherokee Nation at the commencement of the war. What importance the proposed witnesses had of knowing the alleged facts is not set out, and there is no allegation in the motion or affidavit that Houston was the slave of a Cherokee citizen. The motion is denied.

A copy of the Indian Office letter is inclosed. The motion and other papers in the matter have been sent to the Indian Office for its files.

Respectfully,

E.A. Hitchcock,
Secretary.

Through the Commissioner of
Indian Affairs.

1 Inc. and 1 to Ind. of.

Cherokee Freed.
N.D.

Muskogee, Indian Territory, November 16, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

There is enclosed for your information a copy of the Department's decision of November 8, 1906, denying the motion for a rehearing in the Cherokee freedman case of Hartwell H. Houston.

Respectfully,

Commissioner.

Ins.-9-16-LGC.

Cherokee Freed.
843.

Muskogee, Indian Territory, November 16, 1906.

Martwell M. Houston,

2017 North 13th Street,

Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that your petition for a rehearing of your Cherokee freedmen case, filed with the Department June 20, 1906, was denied by the Department November 8, 1906.

A copy of the Department's decision is enclosed.

Respectfully,

Commissioner.

Inc.-8-16-LGG.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 30 1901

DOCKETED IN COMPUTER

CHEROKEE FREEDMEN

Date [illegible] 30th 1901

Post Office [illegible]

District [illegible]

1. Name Mitchell A. Manatee Age 67

Owner's name Citizenship

Year B. R. R. Page — No. — District —

Parents

Father Citizenship

Mother Citizenship

2. Name of wife [redacted] Age 58

Owners name Citizenship

Year — Page — No. — District —

Parents

Father Citizenship

Mother Citizenship

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No 1 Stenographer C. G. Rothenberger

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Hatwell H. Houston,
Ft. Smith, Ark.,
No. 17 North 13th Street

Cherokee F-D-128

Cher. Fr. R. 354

Cher. Fr. R. 354

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 28, 1907.

In the matter of the application of Phyllis Whitmire for enrollment as a Cherokee Freedman.

Phyllis Whitmire, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Phyllis Whitmire.
Q How old are you? A I am about 60 years old I guess, maybe older.
Q What is your post office? A Hudson.
Q In what district do you live? A I just live on Big Creek, I don't know whether it is in a district or not.
Q You think it is Cooweescoowee? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A Just myself.
Q Nobody else? A Nobody else.
Q How long have you lived in the Cherokee Nation? Been living here always ever since '66 and before I went out I was living in the Cherokee Nation.
Q Been living here all your life? A Yes, sir.
Q You went out a little while during the war, did you? A Yes, sir.
Q Give me the name of your father? A Well, they said he was named Nat Alberty.
Q Is he dead? A Yes, sir, he died I guess when I was a little girl.
Q Give me the name of your mother? A Rose Wright.
Q Is she dead? A Yes, sir.
Q When did you become a Whitmire; did you marry a man named Whitmire? A Yes, sir.
Q When did you marry him? A I never married him.
Q When did you take his name, commence living with him? A The commencement of the war.
Q You have had the name of Whitmire ever since? A Yes, sir.
Q What was his name? A Mike Whitmire.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A Been dead nine years last October.
Q Did you sometimes go by the name of Wright? A I went by it when I belonged to him.
Q Have you any name besides Phyllis? A Phyllis Whitmire.
Q I mean any given name? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Have you any children? A No, sir, I haven't got no children.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kerns-Clifton roll examined and the applicant identified thereon, page 144, No. 3567, Phillis Whitmire, Cooweescoowee district.

The Wallace roll examined and the applicant identified thereon, page 187, No. 5430, Phillis Whitmire, district not given.

Q Now can you explain why you are not on the roll of 1880?
A Because they didn't put me on.
Q I want to know why? A Why I don't know sir, why, I was here.
Q Where did you go during the war? A Just went in Kansas, Fort Scott.
Q Who was it you belonged to when the war broke out? A Belonged to Eli Wright.

Phyllis Whitmire - 8.

Q Was he a well known Cherokee citizen? A Yes, sir.
Q Where did he live? A Lived in Delaware district, Tahlequah district I guess it was.
Q What was the name of his wife? A Nancy Wright.
Q Are they both dead? A Yes, sir.
Q Well, where did they take you to Kansas? A I just went to Fort Scott.
Q What did you do up there? A Never done anything but work.
Q How long did you stay there? A Stayed there until she came for me to go back after peace was made.
Q Who brought you back? A I came down with Mose Whitmire.
Q Is he living now? A Yes, sir.
Q Was your husband Mike with you then? A Yes, sir.
Q What is the name of Mose Whitmire's wife? A Katie.
Q He has a wife now named Katie? A His wife is dead.
Q He did have a wife named Katie? A Yes, sir.
Q How long has she been dead? A Two years next February.
Q Did he have his wife Katie at the time you came back from Kansas? A Yes, sir.
Q You came along with Mose and Katie? A I came along with Mose and Katie; Mose Whitmire came down in the spring.
Q I asked you whether you came with them? A No, sir, I came with Mose, he came down in the spring and then came back and I came down with him in the fall, his wife was done here.
Q Was he down here when he came in the spring? A He moved down with her.
Q In the spring? A Yes, sir.
Q And then he went back to Kansas for some purpose? A Went back for a family, in the fall.
Q And you came in the fall? A Yes, sir.
Q Do you know what year that was? A It was in '68 I guess; I aint got no learning at all.
Q Did Mose have a child named Dave? A Yes, sir, he had a child named Dave.
Q Did you say that you came back with that man Whitmire, who had a wife named Katie and a son named Dave? A Yes, sir.

Commissioner: These people are identified on the roll of 1880.

Q And Katie is now dead? A Yes, sir, she is dead.
Q Is Dave living? A Yes, sir.
Q And Mose is living? A Mose is living.

Commissioner: None of these have applied yet.

Q Where is Mose Whitmire at this time? A He is down at Vinita.
Q Where is Dave? A I don't know, sir.
Q Do you know where Mose Whitmire has lived ever since he came back after the war? A Lived on Lightening Creek.
Q He has lived in the Cherokee Nation all the time? A Lived in the Cherokee Nation all the time.
Q Has Dave lived in the Cherokee Nation all the time? A Yes, sir.

By W.W.Hastings, Cherokee attorney: Mose had come down before that time, this Mose that you came with? A Yes, sir, he come out in the spring and then he went back and I came with him in the fall.
Q He lived down here some before you came with him? A Yes, sir, but then you know I came the same year he come in.
Q His family was also down here? A His family was down here.
Q Then he and his family came down before you came? A Yes, sir, and then when he went back I come down with him.
Q Your husband was named Mike Whitmire? A Yes, sir.
Q Did you and Mike come together? A Yes, sir.
Q Where did you come to when you first come to the Cherokee Nation after the war? A Come down here on Big Creek in Cherokee-

was district I guess it is.

Q About what time in the year did you come? A I can't tell you what time of the year, because I can't read any and I can't tell you.

Q Spring of the year was it? A No, sir, in the fall.

Q Who were your neighbors up there on Big Creek? A Sam Webb and Andrew Dougherty.

Q Well, Sam Whitmire was living pretty near you at that time?

A He was living down below me about six miles.

Q Old Uncle Peter Meigs was living there around that time? A He was living on Big Creek too.

Q They were living in houses at that time? A Yes, sir.

Q They had made them all some farms? A Yes, sir.

Q They had made a crop there that year that you came there?

A They had a patch, looked like it might have been just a garden spot.

Q Well now were these people that you have mentioned your nearest neighbors at that time? A Yes, sir, they were.

Q Moses Whitmire brought you down in his wagon to your placeon Big Creek? A He came on up for another family and another man brought me down, came on with us.

Q What other family did he come for? A He fetched his wife's aunt down.

Q What was her name? A Lile Ratliff.

Q And you came the same time that he brought them? A Yes, sir.

Q And you don't remember the time of the year? A No, sir, I don't.

Q You know whether the leaves was on the trees or whether it was cold weather? A It was cold; I don't know whether the leaves was on the trees, but I don't think they was, they might have been.

Q What place in Kansas did you come from? A Lived at Fort Scott.

Q You came on down to Moses Whitmire's place any time soon after you came to the Cherokee Nation? A I didn't come down to his place soon?

Q Well a month or two; did you or not? A No, sir, I just stopped off there and never came on down.

Q Who did you first live with, you and your husband? A On Sam Whitmire's place, lived there.

Q Go into a house there? A We went into a little old shanty, one they had made.

Q Well, Sam had a house? A Yes, sir, he had a house but his house was filled.

Q He had a little field? A He had a little field.

Q What was the nearest Cherokee living to you out there? A There wasn't no Cherokees up there.

Q You never saw a one? A I never saw one.

Q Have you ever seen one in all that country since that time?

A They said they were Cherokees up there, I can't tell one from another now they all look so white.

Q But you don't remember of seeing or knowing anyone up there up in that country? A No, there wasn't no Cherokees when I lived up there.

Q I mean any time since that time? A Yes, there is some there now, moved in there lately.

Q About how far do you live from Coffeyville, Kansas; when you first came there? A They call it 18 miles, but it wasn't any town there.

Q You continued to live right in that same neighborhood? A Continued to live right in that same neighborhood and just started out from there the other day when I come here.

Q How far do you live from old man Sam Webber? A Well, I live about seven miles above him.

Q Well he was down there when you came, Sam Webber? A He was down in there somewheres, I didn't get acquainted with him then.

Q How far did you live from Peter Meigs? A They call it about

five miles; it was given him, but it was fully all of six miles.
Q How far did you live from Andy Dougherty? A About a quarter.
Q You had had a house and a little field? A Yes.

Commissioner. The applicant claims that she has lived in the Cherokee Nation all her life, excepting an absence in connection with the war. She is identified on the Vallonia roll and with reasonable certainty on the Kemp-Clifton roll. She is unidentified on the roll of 1880, or on that of 1896. The testimony in regard to her return to the Cherokee Nation after the civil war is not entirely satisfactory. For the further consideration of the applicants status in this connection she will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

Q Your husband Mike Whitmire was a Cherokee Freedman? A Yes, sir.
Q Was he a slave at the time you married him, before the war?
A Yes, sir, he was a slave.

Her husband, Mike Whitmire, is said to have been dead nine years, is not identified on the roll of 1880. It appears that he and the applicant returned at the same time to the Cherokee Nation from the State of Kansas.

Supplemental testimony.

Eliza Whitmire, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your name? A Eliza Whitmire.
Q How old are you? A I am about 60 or 69, somewhere along there.
Q What is your post office? A Hayden.
Q How long have you lived in the Cherokee Nation? A Lived there all my life.
Q Well, you were out of the Nation during the war? A Yes, sir, I was out a while.
Q Where did you go? A Went to Fort Scott.
Q Who did you belong to before the war? A I belonged to one of the Sanders.
Q Do you know Phyllis Whitmire, the applicant here? A I knowed her after we went to Kansas.
Q You knew her up in Kansas? A Yes, sir.
Q What did you know about her coming back from Kansas after the war? A Why she came back when we all did I guess.
Q Well I am talking about what you know? A She came back with the other Whitmires, when the Whitmires come back.
Q Came back with what Whitmires? A Mike Whitmire.
Q And who else? Q Why Sam and Mammy and grandmother and Mose and Aaron and all of them I thought.
Q You suppose? A No, sir, they all come when I did, we all came at one time pretty much, together.
Q Now did you come back ~~xxx~~ in company with Phyllis Whitmire, this applicant here? A No, sir, not in company with her, I came here first but I don't know just how long first.
Q You came with Mose and Katie, did you? A Yes, sir.
Q What time of the year was it you came? A I came here in the spring.
Q In what year? A I don't know what year or nothing about it, I came with Mose.
Q Well then of your own knowledge you don't know when Phyllis Whitmire came, you didn't come with her? A No, sir, I can't tell just exactly when she came, she came when the Whitmires came, that is all I can say.
Q Did you see her come with the Whitmires?

Did you lay eyes on her at the time? A No, sir, I didn't lay eyes on her.
Q You knew it then by hearsay? A Yes, sir.
Q Well, do you know where she lived after the war and after she came back? A Lived on Big Creek.
Q How far was that from you? A It is about 10 or 12 miles.
Q How long after she came back before you met her here? A I was saw her in the summer.
Q You don't know what summer that was? A No, sir, I don't.
Q Do you know how long you had been back when you saw her? A No, sir, I don't know just how long I had been back, I never kept count of it, I never thought anything would be come up about it.

Jim Alberty, being duly sworn, ~~[illegible]~~ examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name? A Jim Alberty.
Q How old are you? A 70 years old, maybe older.
Q What is your post office? A Ghouteau.
Q How long have you lived in the Cherokee Nation? A That 70 years I told you of I guess.
Q You were out for a while during the war? A Yes, sir.
Q Do you know the applicant here Phyllis Whitmire? A Yes, sir.
Q When did you first know her? A I knowed her before the war when she belonged to Eli Wright.
Q Did you know her during the war? A No, sir, not during the war I didn't.
Q Not while it was going on? A I never seed her then.
Q Well, did you see her after the war was over? A Yes, sir.
Q Where did you first see her after the war was over? A Right here on Big Creek where she lives now, in 1866.
Q What time of the year was it? A In the fall when I went there and seen her.
Q Do you know how long she had been there when you saw her? A No, sir, I don't know how long.
Q What were you doing there? A I lived there, I have got a place up there, sold it here of late years, a place in a mile of her.
Q You have been ~~[illegible]~~ a witness for a great many people? A Yes, sir, I have.
Q How does it happen you know so much about every body? A Because I was all over the country, I was a horse trainer everywhere; where there was a man able to own two negroes I trained horses there.
Q This was after people quit owning negroes? A I was acquainted with them before the war, these people I am testifying about.
Q How did you happen to see so many of them after the war? A In traveling.
Q What were you traveling for? A That is something else; I can tell you if you want me to tell you; I was peddling whiskey all over this country.
Q That took you all around? A It took me to a great many places, I don't say all around; what I am telling you is what I know.
Q Were you up there peddling whiskey in the fall of '66?
A Yes, sir, and ever since until the laws got so close they send me to the penitentiary for it, and I quit it.
Q You have reformed now, have you? A Yes, sir.
Mr. Hastings: Jim, what kind of a house were they living in? A Kind of a little old shanty, wasn't much of a house.
Q And you can remember it was just 35 years ago, can you? A No I can't, I can't give you any number of years it was, but it was in '66 when I saw them there.
Q How how do you know it was '66? A Well now I will ask you this; how do you know; I heard men that knows tell me that.
Q Where did you see anybody in 1876? A I don't know.

Q Can you remember seeing a single person in 1866? A No.
Q You can't guess to that date? A No, I wasn't interested.
Q Now about 1868, can you guess to that? A No, sir, I didn't take no interest in that, it was just time 'de.
Q Did she have any children in 1866? A No, nor any now.
Q Was her husband living with her? A Yes, sir.
Q She had a house built? A A shed, not much of a house.
Q Log house? A Log house and stable, and one thing and another.
Q The colored people didn't have anything to buy whiskey with in 1866 did they? A I did.
Q Up there? A I don't know anything about these people.
Q What were you doing up there if they didn't have money?
A I didn't say they didn't have money.
Q I ask you now if they had money? A Yes, they had some money and I sold whiskey to them.
Q Who did you sell whiskey to up there? A A great many, I don't know if I can name them right now, but I sold whiskey all through that country, and down where I live too.
Q You have been to Fort Gibson in 1866? A Yes, sir.
Q And you were on Russell Creek in 1866, near Okmulgee? A Yes, sir.
Q Away down on Grand River? A Yes, sir.
Q In Saline? A Yes, sir, I live there now.
Q You were away down near Fort Smith in 1866, weren't you?
A Yes, sir.
Q Was there a single point in the Cherokee Nation that you were not in in 1866? A I don't know, I can't tell you about that, they might have been and they might not have been.
Q You are not on the 1880 roll yourself? A No, sir, because these Cherokee people scratched it off, I have been on there.
Q You are the man Mr. Lindsey testified that belonged to John Alberty that was sold out to a man down near Little Rock? A Yes, sir, I am the man.
Q He testified in your case? A Yes, sir, I know he did.
Q And you testified in your own and other cases that you joined the army down about Little Rock? A Yes, sir, I say so yet; Mr. Lindsey testified but he didn't testify facts, that is a sure thing.
Q This woman own a place up there on Big Creek? A Yes, sir, got the same place she is owner, she is right there on the same place because I been there a dozen times since that, because I had a place right in a mile of her, lived there, all my children were born right there.
Q Andy Dougherty lived near her then? A Yes, sir.
Q He have a house? A Yes, sir, he had a little house there, it would do for horses, it wouldn't do a cold winter for people.
Q He managed to live in it? A Well, he stayed there, he lived right there in a mile of her, nearabout as near as I was.
Q There were a great many of the colored people up in that country now when you went up there in '66? A I am about the first one was up there.
Q When you saw her there? A Yes, sir, there was a heap of them up there.
Q You can remember them all? A Well I can't remember them all, but I can remember a heap of them, all them raised with me I can remember; all them whitmire negroes was raised right in the year with me; old Alberty raised them.
Q This woman raised in the yard with you? A Close by.
Q About how far were you? A I don't know, she belonged to Wright.
Q How far did she live from you? A A mile or two, maybe two or three miles, I don't know exactly.
but her husband was raised right in the yard with me.
Q What time in the fall of 1866 was it? A I don't know, I know it was fall though, I don't know exactly what time, but it was in

the fall when I went there, when they came there. I already had a house there.

Q Was you not that up in the spring? A Put that up in the spring and put old John Martin in it and went back to the place called the Shaw Liberty place now. Daniel Hicks bought that from me at the time they sold all the places there.

Q You did go up there horseback? A Up to where?

Q Up to Big Creek? A Yes, sir, I rode. I have got a horse carry me 75 or 100 miles a day or night when ever I might be start.

Q You were the man that testified in another case about driving some cattle about 40 miles and returning? A Yes, I am the man and I sure done it; I had that to do.

Commissioner: When was it you came back to the Cherokee Nation after the war? A I came back in 1866 before this treaty was made: I could find a man right now to testify the same if he tells the truth but he may be bribed.

Q How long after you came back was it before you made this trip up to Big Creek? A Soon afterwards, I can't tell you just when it was. (Addressing Mr. Hastings) You know when the Southern people's places was sold, when these people sold them to the highest bidder, don't you recollect that?

Mr. Hastings: I wasn't born then; I came back in '66 myself.

A Well, when that was done I had this place ready built and I put old John Martin on it and I went down to that place Daniels Hicks bought for from me —

Commissioner: We needn't go into all this; we only want facts from you that bear on this case. Did you have a conversation with this woman when you met her, did you talk to her about old times?

A Yes, I stayed all night in there with them.

Q Had they made any crops there at the time you saw her? A They had a patch there, they didn't have nothing like a drop, they had a patch like we all had.

Q Did they tell you about what they had been doing since they came back? A No, sir, didn't tell me anything about that.

Q Did they tell you about their experiences, anything? A They told me where they had been up in Kansas.

Q Did they tell you how they had made out to live since they came back? A No, sir, they didn't tell me nothing about that.

Q You have no recollection on that point? A No, sir.

Q Had they made a crop on that patch you speak of? A Yes, sir, they had a little patch there.

Q What had they grown on that patch? A A little corn, that is all I know.

Q They had made a corn patch there? A Yes, sir.

Q How do you know they made that corn on it? A Why it was new ground, I guess they must have made it.

Q Did they tell you how long they had had the ground and had possession there? A No, sir, didn't tell me that.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of May, 1901.

A. R. Kerr

Commissioner.

Supl. C. N. Fld. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

[illegible] of the Cherokee Nation, [illegible] to improve the [illegible] of said applicant, Edward Wright to allotment in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the [illegible] day of March, 1902, and [illegible] thereafter until the case could be heard in the [illegible] during the usual business hours.

Thereupon witnesses present by the representative, L. S. Bell.

C. V. Bowers, being duly sworn testified in behalf on part of the Cherokee Nation.

EXAMINATION:

Will give your name? A C. V. Bowers.
Age? A 63 years old.
Place of residence? A Claremore.
Are you a citizen of the Cherokee Nation? A Yes, sir.
How long have you been there? A All my life, little over 60 years.
Did you go out of the country during the war? A Yes, sir.
When did you return? A '66.
Where did you come to? A Come to Fort Gibson.
And stayed there did you? A Yes, sir.
Well, what was your business? A After I come back?
Yes? A I followed freighting for something over three years.
Where and between what places? A Sedalia and Pleasant Hill to Kansas City to Fort Gibson.
Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
Where did he belong before the war? A He belonged in Going Snake District.
Do you know what particular Whitmire he belonged? A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation? A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho river; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Did you have any conversation with them, stop and talk with them? A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Did you ask them where they was going to? A They said they was moving back.
Well this 25 or more wagons was loaded with people? A Yes, mostly every one had household goods in them.
Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Well now that was; where you say it was? A It was right on this side of the Neosho river; between the old Hudson place and Neosho river.
How far from the Neosho river? A I suppose half a mile.

Q How far from the north line of the Cherokee nation
A I think the river is five miles, about a mile and a half.
Q How far is that from the Kansas line? A [illegible] the line, but I understand it.
Q [illegible] reference to where the military road crosses the Kansas line? A Yes, sir.
Q It was Lemain's ferry? A [illegible] line.
Q You lived there? A Yes, sir, in about [illegible].
Q And this person Whitmire you met with [illegible]
A Yes, sir.
Q About how many men was he when you met him? A [illegible] I think that I am.
Q Did you see others with him you know? A I think [illegible] Whitmire and old Major Wright in the old [illegible].
Q And you talked with him there? A Oh, I guess I talked with him for 15,20 minutes and while I was talking to him Col. [illegible] came to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire now, not?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Bryden? A No, I don't know for certain I heard he lived on Big Creek. I don't know though where he lives, I have seen him ever since I have been here. I don't think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

[illegible]

[illegible]
Commission to the Five Civilized Tribes,
Muskogee, I. T., [illegible], 1906.

In the matter of the application [illegible] to be enrolled as a Cherokee freedman.

APPEARANCES:
Ben J. Reeville, [illegible], for the claimant.
W. F. Partridge, for Cherokee Nation.

[illegible]: The Cherokee Nation, by its representative, [illegible] satisfactory proof of service on the claimant's attorney that it will, on the 20th day of May, 1906, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a former slave freedman. The applicant this day appears by his attorney, B. J. Reeville, who is represented by Ben J. Reeville, [illegible], Indian Territory.

MR. HARTSHORN: The Cherokee Nation offers in evidence a [illegible] of the Chaffers Commission on Citizenship as found on page [illegible] of a book taken from the records of the Executive Department of the Cherokee Nation, entitled, "Docket of the Chaffers Comm'n on Citizenship," as follows:

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above, page 57 of the same, the following:

"No. 80. Major Wright
vs
Cherokee Nation. (Ex. June 7th. Statement filed on 26th of June.
1st July set, 1st Au[illegible]
set for trial.

Judgment against claimant June 27, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 28th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

[illegible]

[illegible] June 26, 1878.

[illegible]

[illegible]

The Cherokee Nation offers the following from the same book and containing on the same page, the application of Lewis Whitmire as follows:

"Before the Honorable Commission will [illegible] to try rights to Cherokee citizenship.

In case of Lewis Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire and embracing the facts which the present claimant would submit to the Commission in the ground of his claim.

Respectfully submitted,
Lewis Whitmire.
June 26, 1878. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled "Register of evidence before court of Commission Chambers Court, Book A," page 259, case No. 60, as follows:

"Case 60.

Aaron Whitmire,)
vs.) Tahlequah,
Cherokee Nation.) July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

[illegible] I left [illegible] in 1861. I went back to the state of Kansas in 1862. I got back in August - first or middle. I left my family at Fort Scott when I came. I came back to get me a [illegible] I stayed about here, some time, and then returned to Fort Scott. After I returned to Fort Scott there were others who stayed down, the Whitmires were of that number. The claimant was one of them. They came down along in Sept. 1861. They returned to Fort Scott before I left there. I left Kansas about the last week in January last and got to the crossing of the Neosho River about the first of February. When I first came down there was about 15 in the party. I left many families in Kansas when they came down. The move of a party came with the Whitmires who filed on the claims. Party and by party were Wm Webster, Mike Daniels, Jim [illegible], [illegible] Aaron Foster, Martin Sanders, Tuck [illegible].

The Whitmire party were or were Aaron, Jesse, [illegible], Ben [illegible] Whitmire and others that I do not recollect. The object of this part coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Wm. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who had been authorized by others to locate claims for them, one was by Lokey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Rushy Mountain on this side Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

I was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Nick x Fields
his mk.

Aar on Whitmire)
" vs) August 1, 1878.
Cherokee Nation.) Bluford Alberty, witness for claimant, called and sworn.

I reside in Coowescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coowescoowee District,

[illegible] I had [illegible] some time [illegible] I had been [illegible] the first of May, or possibly it might have been [illegible] of the middle of November, in go to the Territory. [illegible] I came in with a party of seven or eight persons [illegible] with others from the Cherokee. I did not go to the same [illegible] I knew most all of them. There were [illegible] Aaron Whitmire and a younger brother [illegible] There was another person whom I was told was a Delaware. [illegible] of the others are present living here. The [illegible] were Jackson and George Whitmire, Aaron [illegible] to George. In conversation with Sam Webber he asked me [illegible] anything about the treaty and if Mr. Mitchell was [illegible] him I did not hear the treaty but had heard [illegible] me that he was the leader of the company and the reason [illegible] was that he was an old man, and that he had [illegible] to work for him and make air a claim. He [illegible] there was to get provisions over on the river. I [illegible] there was none there, but that there was a lot of [illegible] and if they would go there they would get some. [illegible] U.S. had come down to make claims for citizens, who had resided in Kansas, to build their houses &c. They said that they were notified to come, and that they had accordingly come to make claims for themselves and the other that they had left behind in Kansas. As near as I can recollect it was some time in October or November that I saw those parties. It was not very cold weather at the time. I recollect as I coupled out at night. Did not see any of these parties after this time May 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I meet them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1868. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presencce.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Marian Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Meigs, Bill, Frank Sanders, Hannah Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brothers were enlisted in some claims for [illegible] were still back in Kansas. Dennis made a claim for [illegible] I don't know any other. Witness had [illegible] family in [illegible] a case in Kansas. My family [illegible] Ratliff, Mr Wright, and my wife [illegible] by family. [illegible] had no family. Anthony and Nelson's [illegible] were Aaron's children and his wife, Sarah. They were left, the [illegible] and children in Fort Scott when we came in 1866. [illegible] Tiger, Sanders were Nelson's family had each at Fort Scott. [illegible] back last January 1866 to Kansas after coming to the Nation. [illegible] witness returned in 1867 to the Indian. Aaron, Louis, Nelson, [illegible], Hannah Daniels, Buck Sanders, Peter Meigs and the families of those who had families all came as I did besides other not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Marian Whitmire was in the Nation after the war closed was after our portion returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. The first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry, Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 34 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest
D. L. Nicholson,
Clerk.

his
MosesWhitmire.
mark.

Case 63.

Aaron Whitmire & family
vs
Cherokee Nation.

Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

[illegible]

[illegible]

[illegible]

[illegible]

At the present time the distance between our two settlements is about 6 miles. I recognize the claimant off the other premises [illegible]. I have been there frequently since that time. I met them over the river. When I saw them in the fall of 1867 I saw [illegible] their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitrige
vs
Cherokee Nation.

July 4th 1872.

Testimony for Claimant.

Witness and claimant met near Fort Gibson in Nov. or Dec. 1866. Met him at his home on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was going to Going Snake his former home in the [illegible]. Claimant's brothers were living on the road.

Witness is acquainted of this nation and knew claimant before the war.

Attest:
H. L. Merchant, Clerk.

Wm. Mechrcken.

Aaron Whitrige
vs
Cherokee Nation.

Brief of Evidence.

Claimant testifies he was born in Going Snake Dist. This Dist. borders on the line of the State of Ark.

Claimant now resides near the western line of the Cherokee Nation. The settlement where he was born was nearer where claimant now resides. I would say [illegible] from where George Whitrige resided prior to the war. Claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which [illegible] as a reason for settling where he had [illegible] to settle [illegible] freed people after their freedom [illegible] and convenient to do in an uncomfortable [illegible]

[illegible] their [illegible] for the [illegible] they could have [illegible] matters were more [illegible] in the country. [illegible] was in the fall of 1866. The second [illegible] of July. I saw several of their families on my land on the Creek or Lightning Creek in the nation.

[illegible] of Claimant in [illegible] the same locality as they did the time mentioned above. In Sept. or Nov. 1866 I was [illegible] and other colored men [illegible] to supply the old Fields in [illegible] for the purpose of raising crops the year following. Lewis Williams [illegible] one of the other men. I also [illegible] to go at the end [illegible]. The spring of 1867 I was down on Lewis Williams at [illegible] on the Two Fields creek of. This settlement of colored [illegible] the [illegible] of quite [illegible] and [illegible] [illegible] in the valley. Some of them [illegible] [illegible] [illegible] the valley which was [illegible].

Witness with a party of his [illegible] in the fall of 1867 [illegible] colored party was settled on Big Creek afterwards [illegible] [illegible] for he [illegible] not [illegible] against the [illegible] of colonizing [illegible] [illegible]. Several [illegible] were there in sight of witness which the colored party said they had selected and was the home of the party above indicated.

Agent Jones was at the time arriving said fall party. A Delegation for the Cherokee Nation at Washington. There were parties as witness knew not from one of them who wished to expel or drive off from their claim this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 28."

Aaron Whitmire et al } July 16th 1878.
vs.
Cherokee Nation. } John Riley,
sworn as witness for Deft. I live in Cooweescoowee Dist. I first moved there in 1833 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Virdigris River to live in the month of March 1867. Also came at the same time Pet r Hedge, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring. In 1867 on an old place of Aaron Landrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Dec. 1866 to locate homes but I know of some who come in Sept. 1866 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Goody's Bluff in Dec. 1866. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Dec. 1866 I never heard of them. I never knew of Bluford Alberty being in the place of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Robert [illegible], Billy Foreman. Moses was not along. Dennis was not along and I know of no Mariah nor Major Wright nor Nelson Whitmire [illegible]. If any such party had come down in Dec. 1866 I think certainly I would have known it.

Joseph Riley.
Randolph Riley.

(page 231)

[illegible]

[illegible]

I learned from John Oster that most of the [illegible] [illegible] after their families and [illegible] I was [illegible] [illegible] the treaty of [illegible]

[illegible]

[illegible]

D. L. Morrison,
Clerk.

Aaron Fairbire)
vs)
Cherokee Nation.)

Tahlequah May 16, 1902.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N.

Arthur G. Croninger, being first duly sworn, states that he as stenographer to the Commission to the Five Civilized Tribes has reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of said stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) P. G. Peuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1902.

Bruce L. Jones
Notary Public.

[illegible]

[illegible]

[illegible]

[illegible] 5th day of July, 1868.

[illegible]

[illegible]

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 20, 1908.

In the matter of the application of Phillis Whitmire for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-411.

APPEARANCES:
Lewis P. Brown for applicant.
W. V. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced and made a part of the record in P. D-418 by the Cherokee Nation be introduced and made a part of the record in this case.

MR. BROWN: The applicant objects to the introduction of this testimony for the reason that the witnesses referred to in that case have never appeared as witnesses in this case, and therefore the applicant has had no opportunity to be confronted by the witnesses who appeared against them nor to cross-examine the same, and for the further reason that whatever statement the witnesses might have made in that case cannot be binding upon this applicant, and for the further reason that it is incompetent, and that the Cherokee Nation has not laid the foundation for the introduction of this testimony.

MR. HASTINGS: The Cherokee Nation asks that this testimony be introduced for the purpose of contradicting these witnesses, and for the further purpose of showing that none of the Whitmire women, and in fact no women and children whatever, came to the Cherokee Nation in '66, as is conclusively shown by this testimony as taken from the records of the Executive Department of the Cherokee Nation, and an investigation within a few years after the war shows that none of them returned until '67.

MR. BROWN: The applicant desires to invite the attention of the Commission to the fact that the representatives of the Cherokee Nation have not shown that the court who made the records referred to ever had jurisdiction or power to try these cases, and they deny that the witnesses referred to in that case ever made any such statement to that Commission, and they further deny that they ever appeared before that Commission in person themselves.

MR. HASTINGS: The Cherokee Nation states that the very records which the attorney for the applicant now seeks to contradict is the very record upon which the witnesses for this applicant themselves were admitted and recognized as citizens of the Cherokee Nation.

MR. BROWN: The agent for the applicant desires to state that such is not the case; that the witnesses referred to in the case of Aaron Wright have never testified in reference to the right of this applicant, and the records of this Commission will show it.

MR. HASTINGS: The Cherokee Nation refers to the testimony given by the applicant herself when she testified that she came to the Cherokee Nation with Moses Whitmire's family, and that filed in Freedman Doubtful 418 is a statement made by Moses Whitmire himself when he was an applicant for citizenship before the Chambers Court to the effect that he didn't bring his family to the Cherokee Nation till the spring of '67, and that if the applicant didn't come until he did she therefore came too late.

MR. [illegible]: The [illegible] doubts [illegible] have [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

D. D-28.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 8th, 1906.

In the matter of the application of Phillis Whitmire for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-421.

APPEARANCES:
Louis T. Brown for applicant.
W. V. Hastings for Cherokee Nation.

HENRY STILL, being first duly sworn, testified as follows:

MR. BROWN: State your name? A Henry Still.
Q How old are you? A 54.
Q What is your postoffice address? A Heyden.
Q Have you been enrolled by this Commission? A Yes, sir.
Q Been enrolled on a straight card? A Yes, sir.
Q Do you know the applicant, Phillis Whitmire? A Yes, sir.
Q I will ask you to state if you know where she was in the fall of '96? A I know where she was in the winter of '96.
Q Where? A Big Creek.
Q That is the Cherokee Nation? A Yes, sir.
MR. HASTINGS: How old are you? A 54.
Q How much? A 54.
Q You are the son of Nancy Whitmire? A Yes, sir.
Q Nancy Hayden? A Yes, sir.
Q She is on a doubtful card, isn't she? A I think so.
Q The mother of Nancy applied to the Chanbers court, didn't she, for admission to citizenship? A No, sir.
Q Didn't apply? A No, sir, never was in a courthouse in her life, sir.
Q Where were you living in the fall of '96 when you saw Phillis? A Lightning Creek, sir.
Q How far is Lightning Creek from Big Creek? A Ten miles.
Q You was up to Phillis's house? A Yes, sir, didn't have no house.
Q She was living ina tent? A Yes, sir, camped.
Q Just camped? A Yes, sir.
Q What time was it that you saw her up there? A It was about the last of December, little after Christmas.
Q Did any of them have houses up there at that time? A I don't think-well I think Henry Harrell and Mike Sanders had a house.
Q Well Mike Sanders was living in a house? A Yes, sir they had a little house.
Q They were all living up there at that time? A Yes, sir.
Q In houses? A Not all in houses; some in camps.
Q Well they had their families with them at that time? A Yes, sir.
Q Who was Phillis living with? A Her husband.
Q What was her husband's name? A Mike.
Q Mike Whitmire? A Yes, sir.
Q How long had they been married? A I think Mike and Phillis had been married five or six years.
Q At that time? A Yes, sir.
Q You belong to the Freedman Protective Association.
MR. BROWN: Objected to as immaterial.
Witness: Why that is that; that kind of an institution is that?
COMMISSION: Answer his question.
MR. HASTINGS: I want to find out from you. A Don't know what it is.

Q Well I am asking you if you belong to it.
COMMISSIONER: Answer his question.
Witness: No, sir, I don't, don't belong to any freedman association.
Q You don't belong to any association of freedmen for the purpose of protecting their rights? A No, sir, not more than a common citizen of the country.
Q Well haven't they got an association formed up there? A Not as I know of.
Q Never heard of one? A I don't belong to an association.
Q Well did you ever hear of it up there? A No, sir, I never heard of one; I don't belong to none.
Q You never heard of the one that Squire Ward is president of up there? A Don't know a thing about it; if they got one I don't know it.
Q You don't know it? A No, sir.
Q You have testified in a great many freedmen cases? A Testified in some, yes, sir.
Q Followed the Commission around in nearly all the places of enrollment? A No, sir, not all. I followed them up, yes, sir.
Q Your wife's on a doubtful card? A Why I guess she is.

Arthur G. Gronniger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Gronniger

Subscribed and sworn to before me this 16th day of July, 1906.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 29 1901

Acting Commissioner.

Department of Interior
Dawes Commission
CHEROKEE FREEDMEN

Date [illegible]
Post office [illegible]
Doctor [illegible]

Name
Father's name
Year Page No. District
Parents
Father
Mother
Citizenship
Age
Citizenship

1 Name of applicant Phillis Whitmire Age 65
Father's name
Citizenship
Year Page 74 No. 3537 District Cod
Parents
Father Nat Allsotty — dead; Citizenship
Mother Rose Allsotty — dead Citizenship

Doubtful

Names of Children

3	Year	Page	No.	Dist.
4	Year	Page	No.	Dist.
5	Year	Page	No.	Dist.
6	Year	Page	No.	Dist.
7	Year	Page	No.	Dist.
8	Year	Page	No.	Dist.
9	Year	Page	No.	Dist.
10	Year	Page	No.	Dist.
11	Year	Page	No.	Dist.
12	Year	Page	No.	Dist.

Application made by No. 1 Stenographer Ble. Jones

1 On Wallace roll, page 87 #3430 Phillis Wright, alias Whitmire

Please go to work — who?

Cherokee Freedmen D 611.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Phyllis Whitmire for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on May 29, 1901, Phyllis Whitmire appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 28 and 29, 1902. The evidence taken in the case of Edward Wright, Cherokee Freedman D 818, at Muskogee, Indian Territory, March 4, 1902, is filed with and made a part of the record in this case.

The evidence shows that Phyllis Whitmire was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken out of the Cherokee Nation and did not return thereto until after January 19, 1867. Her name is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of Phyllis Whitmire for enrollment as a Cherokee Freedman should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

W E Stanley

Commissioner.

Dated at Muskogee, I. T.,

this JUL 10 1902

Cherokee Freedmen
D-83

Muskogee, Indian Territory, July 24, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Phyllis Whitmire for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

T. D. Woodson,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-83

Cherokee Freedmen
D-82:

Muskogee, Indian Territory, July 24, 1908.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1908, rejecting the application of Phyllis Whitmire for the enrollment of herself as a Cherokee freedman.

The decision, together with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-82

[illegible]

[illegible]

Muskogee, Indian Territory, July 31, 1903.

Louis T. Brown,

Agent for Phyllis Whitmire,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of Phyllis Whitmire for the enrollment of herself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-81

Register.

Cherokee Freedmen
D-31

Muskogee, Indian Territory, June 24, 1908.

Phyllis Whitmire,

Hudson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1905, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-80

Register.

Land division.

Department of the Interior,

Office of Indian Affairs,

Washington, February 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Phyllis Whitmire for the enrollment of herself as a Cherokee freedman.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that Phyllis Whitmire was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken out of the Cherokee Nation and did not return thereto until after January 19, 1867; that her name is not found on the 1880 authenticated roll of the Cherokee Nation, by reason of which findings and facts the Commission is of the opinion that the application filed herein should be denied under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495).

I have examined the testimony in behalf of this applicant and find that she testifies that she is about 65 years old; that she

[illegible] lived in the Cherokee Nation all her life, save [illegible] she was absent during the rebellion. She testifies that her mother's name was Nancy Wright, that her father's name was Rose Wright, and that she is dead.

It appears that this applicant's name is on the Kern Clifton and Vallard rolls, and she claims she belonged to Nil Wright when the war broke out, and that he was a Cherokee citizen, that his wife's name was Nancy Wright, and that they are both dead.

The witness testifies that she came back to the Cherokee Nation with Moses Whitmire, and that her husband, Mike Whitmire, was with her. There is quite a lot of testimony submitted in this regard by the Cherokee Nation tending to show that this applicant did not return to the Cherokee Nation within the proper time as defined by the treaty of 1866, but a careful examination of all the testimony submitted does not in my judgment satisfactorily prove that this applicant did not so return.

It is quite evident from all of the testimony that she did return to the Cherokee Nation at a very early day, and the testimony upon which it is sought to show that she did not return within six months after the promulgation of the treaty of 1866, appears to be largely guess-work on the part of the witnesses who testified. It is a very difficult question to determine, for it appears that the Whitmire family did return to the Cherokee Nation either within the six months prior to said treaty or a very short time thereafter, and one witness testified that they returned in the

[illegible] the act for any [illegible] and has to [illegible] or which [illegible] filed by him. It remains a very difficult supposition to say just what kind of testimony would be [illegible] but it should be considered in view of the [illegible] of the [illegible] period and February 11, 1907.

The adjudication of a case like this would seem to demand, first a clear statement, upon the question upon which is the burden of proof, the Applicant or the Cherokee Nation. By treaties it has been held that the treaty was an instrument entered into between the Cherokee Nation and the United States, and by reason of the further fact that the freedmen themselves had nothing whatever to say therein thereto, it would seem in the absence of any specific direction in the treaty as to how those Cherokee freedmen who had rights under the treaty were to be determined, it is hardly fair to hold that the burden of proof is upon the applicant, and on the other hand, it does not seem fair that the Cherokee Nation must show that the applicant is not entitled to citizenship.

Unfortunately the Commission does not review the evidence in its decision and thereby give the office the benefit of the reasons for its finding. This applicant has resided in the Cherokee Nation all her life, with the exception of a short time during the civil war, and it does occur to me that where it is shown, and not disputed, that the applicant did return to the nation in the spring of 1867, and that no definite testimony can be found upon which to

For the day of the applicant's return, the doubt that is raised should be construed in favor of the applicant, but as the Commission heard the testimony in this case, saw the witnesses and are personally familiar with the conditions, I do not feel justified in rendering a decision favorable to this applicant, but I do consider that the case should be returned to the Commission with request that the Commission set out fully the reasons upon which its decision herein is based.

Very respectfully,

A. O. Tonner,

Acting Commissioner.

W.C.B. (P).

[illegible] 28-1904. [illegible]

Department of the Interior,

[illegible], Illinois. Washington. May [illegible], 1904.

[illegible] to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 24, 1903, you submitted the case involving the application of Phillis Whitmire, for enrollment as a Cherokee freedman, having on July 10, 1903, rendered a decision finding that during the civil war the applicant was taken out of the Cherokee Nation and did not return thereto within the time specified in the treaty of 1866, and holding that she was not entitled to enrollment, under section 21 of the act of June 28, 1898 (30 Stat., 495).

Submitting the matter February 6, 1904, the Acting Commissioner of Indian Affairs states that no definite testimony can be found upon which to fix the date the applicant returned to the Cherokee Nation, and that the doubt thus raised should be construed in favor of the applicant; that he does not, however, feel justified in rendering a decision in favor of the applicant, and recommends that the case be remanded to you, with request to set out fully the reasons upon which your decision is based.

The Department sees no necessity for remanding the case. It would not be warranted in directing the enrollment of the applicant upon the vague and unreliable testimony submitted by her.

The burden of proof was upon her to show by competent evidence that she returned to the native from Kansas within the time specified in the treaty. She and her Attorney were duly notified of your decision, and have made no motion for review or rehearing in the matter.

Your decision is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan.

Acting Secretary.

1 inclosure.

Cherokee Freedmen
Roll.

Muskogee, Indian Territory, June 2, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Phyllis Whitsire as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-431.

Muskogee, Indian Territory, June 1, 1904.

Phillis Whitmire,

Hudson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-4Ch.

Muskogee, Indian Territory, June 1, 1904.

Louis W. Brown,
Agent for Phyllis Whitmire,
Vinita, Indian Territory.

Dear Sir:

You are hereby notified that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Phyllis Whitmire as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

United States of America,

Indian Territory, A F F I D A V I T.

Northern District, SS

Nelson Lowry on oath being first duly sworn says that he the ____ day of May A. D. 1902 he registered an envelope containing a true copy of the notice hereto attached to Phillip Hilmes at Muskogee I. T and he attaches hereto the receipt of the Post Master at Muskogee I. T. and that on the 27th day of May A D 1902 he receipt the registered return receipt duly signed showing that the notice was duly received by the said Phillip Hilmes. Said registry return receipt is hereto attached.

Nelson Lowry

Subscribed and sworn to before me this 27th day of May A. D. 1902.

J C Starr
Notary Public.

My Commission Expires May 22nd 1906.

No. 91 691

UNITED STATES OF AMERICA,
Patent Department
Washington, District of Columbia, } ss.

I do hereby certify that I deposited a true copy of the within notice in _____

_____

on the _____ day of _____ A. D. 190_

Subscribed and sworn to before me this _____

_____
Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the _____ day of _____ 190_

_____
Attorney for Applicant.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the _____ day of _____ 190_

_____
Agent for Applicant.

MAY 21 1902

FILED
MAY 26 1902

NOTICE.

In the Matter of the application of Phillis Whitmire,
for enrollment as Cherokee citizen.

To Phillis Whitmire, Hudson, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commissioner to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to establish your right to be enrolled as a Cherokee citizen at the office of the United States Commissioner to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 28th A. D. 1902, at 9 o'clock a. m., on which date you will be duly notified by the undersigned that the same will be heard if not formerly heard, and Commissioner Tarsney has requested said Commissioner to be ready at that time and place to hear and decide upon your application for enrollment as a Cherokee citizen.

In witness whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this MAY 20 1902

No. F. D. 431.

W. W. Hastings
L. B. Bell
Attorneys for the Cherokee Nation.

FILED
MAY

Muskogee I.T. 1900

Tullus Wetmore

Theodore Freeman

Louis T. Brown

Checked F.D. No. 1431

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Phillis Whitmire,
Hudson, I.T.
Cherokee F-D-431
Register.

Cher. Fr. R. 366

Cher. Fr. R. 355

Cherokee Freedmen D-686.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jennie Dave Rogers et al., as Cherokee freedmen.

O R D E R.

It is hereby ordered that a copy of the report of the Master in Chancery and the judgment of the United States Court for the Northern District, Indian Territory, in the matter of William C. Rogers et al., under the act of Congress of June 10, 1896, for admission to citizenship in the Cherokee Nation, be filed with and made a part of the record herein.

Commissioner.

Dated at Muskogee, Indian Territory,
this 18th day of February, 1904.

Cherokee Freedmen D-136.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jennie Dave Rogers et al., as Cherokee freedmen.

O R D E R.

It is hereby ordered that a copy of the report of the Master in Chancery and the judgment of the United States Court for the Northern District, Indian Territory, in the matter of William C. Rogers et al., under the act of Congress of June 10, 1896, for admission to citizenship in the Cherokee Nation, be filed with and made a part of the record herein.

Commissioner.

Dated at Muskogee, Indian Territory,
this 18th day of February, 1904.

Wm. C. Rogers, et al,
vs. No. 189.
Cherokee Nation.

Mr. N. A. Gibson, Special Master to whom this case was referred, submits the following:

(Insert report)

BY THE COURT.

From this report it appears that the claimants base their right to be enrolled as citizens of the Cherokee Nation upon the ground that they are descendants of Cherokee Indians by blood. The Master finds that the claimants are residents of the Cherokee Nation where they have resided since the year 1889. That they are the descendants of Louis Rogers, who was born in the Cherokee Nation, Indian Territory, and lived there until the year 1854, when he removed to the State of Arkansas, where he spent the remainder of his life. That he was a Cherokee Indian by blood; but it does not appear that he was ever enrolled as a citizen of the Cherokee Nation. It does not appear that any of the claimants have applied to the constituted authorities of the Cherokee Nation to be enrolled as citizens thereof.

The judgment of the United States Commission rejecting this case is affirmed, and the application of the claimants to be enrolled as citizens of the Cherokee Nation is denied.

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY,
NORTHERN DISTRICT, AT MUSKOGEE.

WILLIAM C. ROGERS ET AL -VS- #169. THE CHEROKEE NATION.	REPORT OF SPECIAL MASTER.

I, N. A. Gibson, Special Master, respectfully show to the Court that under the order heretofore made, I have examined the proof and pleadings in this cause, which are herewith filed and made a part hereof and that I find as follows:

I

That this claim was instituted on August 26, 1896, at which time application was made to the Commission to the Five Civilized Tribes for citizenship by blood in the Cherokee Nation of Indians. That the cause was tried by said Commission and the application denied on November 7, 1896, no reason being given for the decision, and that the claimants appealed therefrom to this court on January 7, 1897.

II

That this application was made by William C. Rogers, his wife Sarah D. and their children Thomas M., Marion T., Mary M.,

Marvin H., Minnie L. and Artie M. Rogers, all of whom reside in the Cherokee Nation, Indian Territory, and who claim Cherokee Indian blood by reason of the fact that the principal claimant is the son of Lewis Rogers, who was the son of James Rogers, both of whom are stated to have been Cherokee Indians by blood.

III

The claimants file in support of their application the affidavits of D. C. Rodgers, Joel Lane, Mrs. M. A. Vann, John Hendricks, Millie Willingham, Wilkerson Hubbard, John Hendricks, Harriet C. Dopnell and W. H. Thorn (not sworn to), and a bill of sale of one negro girl from Moses Harris to Lewis Rogerrs, dated February 18, 1858. These affidavits show that William C. Rogers is the son of Lewis T. Rogers, who seems to have sometimes been called "Thomas L. Rogers," who lived in the Cherokee Nation near Tahlequah until some time prior to the year 1857, when he left the Cherokee Nation and went to the State of Arkansas, where he resided from about 1854 until his death in the year 1860. That Lewis Rogers was a Cherokee Indian and so recognized, and after removing to the State of Arkansas, he returned to the Cherokee Nation and received some property from the estate of his deceased mother.

IV

The claimants contend that under the showing made by them that they are descended from Lewis Rogers, who at one time lived in the present Cherokee Nation and who was a Cherokee Indian by blood, they under the law applicable to this case are entitled to be admit-

ted to Citizenship in the Cherokee Nation of Indians, while the Cherokee Nation contends that Lewis Rogers is not now and has not been a citizen of the Cherokee Nation since the removal west to the present location; that his name is not enrolled and that he has never resided in the Cherokee Nation as a citizen thereof, and that consequently the claimants are not entitled to citizenship, even though they have shown that Lewis Rogers was a Cherokee Indian by blood.

The premises considered, I find that the claimants are residents of the Cherokee Nation, Indian Territory, where they have resided since the year 1889; that they are the descendants of Lewis Rogers, who was born in the Cherokee Nation, Indian Territory, and lived there until about the year 1854, when he removed to the State of Arkansas, where he spent the remainder of his life; that Lewis Rogers was a Cherokee Indian by blood, and was recognized as such, that those claimants are Cherokee Indians by blood, that they do not show that Lewis Rogers was ever enrolled as a citizen of the Cherokee Nation.

I respectfully ask that the Court allow me a reasonable fee for my services as Special Master herein.

Respectfully submitted this 10 day of June, 1897.

(signed) N. A. Gibson
Special Master.

No exceptions filed.

My fee paid.

[illegible] the undersigned, being duly sworn, deposes that he stenographer to the Commission to the Five Civilized Tribes I copied the foregoing judgment of the court and report of the Special Master, consisting of four pages, in the case of William C. Rogers et al., for enrollment as Cherokee citizens, and that the same is a true and correct copy of the original.

Walter E. O'Neil

Sworn to and subscribed before me this 16th day of February, 1904.

Edward Merrick
Notary Public.

DEC 14 1901
LIBRARY
COMMISSION TO THE PUBLIC SERVICE
DEPARTMENT OF THE INTERIOR

To be filed with case of Jennie Dave Rogers, et al C. P. D-[illegible]

Cherokees by blood.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 29, 1902.

In the matter of the application of William Cornelius Rogers for the enrollment of himself, wife and six children as Cherokees by blood, being sworn and examined by Commissioner Breckinridge, he testified as follows: Wife as intermarried.

Q Give me your full name? A William Cornelius Rogers.
Q You apply for your enrollment as a Cherokee by blood? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Myself, wife and six children.
Q What is your age? A 42.
Q What is your post-office? A Maple.
Q In what district do you live? A Sequoyah District.
Q Are you a recognized citizen of the Cherokee Nation? A No sir.
Q You have never been recognized? A No sir.
Q Never been admitted to citizenship by council or the Commission, or by the Dawes Commission? A No sir.
Q Did you ever apply to the Dawes Commission for admission? A Yes sir.
Q When, in 1896? A Yes sir.
Q Give me the name of your father? A Lewis T.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Harriet.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Virginia.
Q How old is your wife? A She is 46 I believe.
Q She is a white woman is she? A Yes sir.
Q When were you and she married? A '79.
Q Give me the name of her father? A Philip Howard.
Q Give me the name of her mother? A Emily Howard.
Q Give me the names of your children, please? A Thomas L.
Q How old is that child? A He will be 21 the 15th of July.
Q He is 20 now? A Yes sir.
Q Give me the name of the next child? A Marion T.
Q 18 year sold? A Yes sir.
Q Give me the name of the next child? A Maggie.
Q How old is that child? A 17.
Q Give me the name of the next child? A Marion E.
Q How old is that child? A 14.
Q Give me the name of the next child? A Minnie Lee.
Q How old is she? A She is 13.
Q Give me the name of the next child? A Artie Berthena.
Q How old is that child? A She is 7.
Q That is all is it? A Yes sir.
Q Are these children all living now? A Yes sir.
Q Now I understand you to say that neither you nor your wife nor your children are on any roll? A No sir.
Q And none of you have ever been admitted in any manner to Cherokee citizenship? A No sir.
Q Were your wife and children parties with you in your application to the Dawes Commission in 1896? A I think so sir.

Com'r: Records of the Dawes Commission, docket B. page 244, case 4415, show that William C. Rogers and others, applied to the Dawes Commission in 1896; application filed August 31, for admission to Cherokee citizenship; the application wad denied by the Commission; the case was appealed to the United States Court and the judgment of the Commission was sustained, court number 169.

William Lonnoll's Roll et al: 1

The entire record in the court case just cited, embracing as parties to the case, William L. Rogers, his wife, Sarah R., and their children, Thomas H., Marion T., Mary E., Marvin B., Minnie L. and Archie T. Rogers.

Q Is Sarah a part of your wife's name? A Yes sir.
Q Her proper name is Sarah V.? A Sarah Virginia.
Q And they have your son Thomas L. as Thomas H., his proper name is Thomas L. A No sir, they have got it right there, if I made that statement that's an error of mine.
Q What is the initial in Thomas' name? A Thomas H.
Q Your daughter Maggie, what's her full name? A Mary Magdalina.

Com'r Breckinridge: The applicant applies for the enrollment of himself, wife and six children; the applicant claims to be a Cherokee by blood; but as shown in the testimony, he is not upon any roll of the Cherokee nation, and has never been recognized or admitted in any manner as a Cherokee citizen; he applied to the Dawes Commission in 1896, for admission and was rejected; it is apparent, therefore, that this Commission has no jurisdiction over his application, and only a memorandum ~~will~~ thereof will be made at this time; this will be forwarded to the Secretary of the Interior, and will be final in the case, if approved by the Secretary of the Interior; as for the applicant's wife, she is a white woman; her status is the same as regards the record as that of her husband, and she likewise will be listed upon a memorandum as rejected for lack of jurisdiction; the six children named in the testimony are all said to be living at this time; their status is shown to be the same as that of their father and mother, and they likewise will be listed as rejected for lack of jurisdiction, they being classed as Cherokees by blood.

Com'r Breckinridge: William M. Cravens, attorney for the applicants, states that he desires to present his case in full to the Secretary of the Interior, and the Commissioner's decision at this time is that he has no authority to go further into the merits of the case; but that of course the attorney for the applicants can himself address any communication that he desires to the Secretary of the Interior.

--***--

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green,

Subscribed and sworn to before me this April 30, 1901.

(signed) T.M.Needles,
Commissioner.

--**--

M.D.GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this August 10th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 6, 1906.

In the matter of the application of Jennie Lane Rogers for the enrollment of herself and her child as Cherokee Freedmen, being duly sworn and examined by Commissioner Breckinridge, he testified as follows:

Appearances:
Mr. Gallotte, of Gallotte & Smith, for applicant;
Mr. Jesse Cotsworth, for the tribe.

Q Give me your name? A Jennie Lane Rogers.
How old are you? A Well, I am, I believe I will be to my best recollection I will be about 46 years old my next birth.
Q What is your post-office? A Nowata.
Q In what district do you live? A Compassbrave.
Q Was do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Nothing only one boy.
Q You have no wife that you apply for? A No sir, my husband is dead.
Q How long have you lived in the Cherokee Nation? A All my life, except a little while during the war when I was at Ft. Smith.
Q Give me the name of your father? A Dave Hendrix.
Q Is he alive? A No sir, he is dead.
Q Give me the name of your mother? A Becky Farris.
Q Where is her home now? A She is dead.
Q What was her name when she died? A Becky Rogers.
Q How long has your father been dead? A Died time of the war.
Q How long has your mother been dead? A She died right at the close of the war.
Q Had the war closed when she died? A I don't just recollect, it was some where about the close of the war when she died.
Q Were you a slave in the Cherokee Nation at the time of the war? A Yes, sir, I was born in '57.
Q Who was your master? A Lewis Rogers.
Q Was he a recognized citizen of the Cherokee Nation? A Yes sir, I suppose he was, he moved to Ft. Smith just before the war, and died down there.
Q Did he take you to Ft. Smith? A Yes sir.
Q Took you there with him? A Yes sir.
Q How long before the war was it he moved there? A I don't remember how long before the war it was, just before though sometime.
Q What was the name of his wife? A Lewis Rogers' wife?
Q Yes? A Harriet.
Q Is she dead too? A Yes sir.
Q When did she die? A I don't know, she has died since the war some time, I don't know when.
Q Where did she die? A She died down there somewhere about Ft. Smith, I don't know whereabouts; I never lived with her no more after the war closed.
Q Was she a Cherokee citizen before the war? A I don't know whether she was or not, I believe she was a white woman.
Q When did you say Lewis Rogers died, did he die before the war? A He died something near about the commencement of the war to the best of my recollection.
Q How long did you live with in Ft. Smith before he died? A I don't know, I suppose it was a year, maybe 18 months.
Q And then he died? A Yes sir.
Q Where were you during the war? A During the war I stayed there just below Ft. Smith.
Q In Sebastian County? A Yes sir.

Q All through the war also sir, and there until after the war closed.
Q When did you come back to the Cherokee Nation? A I got back to Ft. Gibson in '66.
Q What time in 1866? A In the spring time, I don't know exactly what month it was, I know it was in the spring.
Q How did you come back to Ft. Gibson? A There was a man driving and she said she had no more use for a free negro.
Q Who said that? A Lewis Rogers' wife.
Q She lived sometime after the war? A Yes sir.
Q What inducements did you have to come back up there, did you have any kinfolks up there? A I had a grandmother and some aunts up there.
Q You came up there to join your people? A I came to my grandmother; she moved into the Creek Nation and died.
Q Have you lived in the Cherokee Nation ever since? A Yes sir, made it my home ever since.
Q Have you spent any of your time in Ft. Smith since that? A I went down there a time or two to work in a barber shop.
Q How much of your time have you spent there? A Not very much time there, not more than six or eight months altogether.
Q Is that your trade,-barber? A Yes sir.
Q Have you followed your trade all the time? A Not all the time, sometimes I follow other things; I went to the Choctaw Nation awhile and worked in the coal mines.
Q You leave the barber shop to work in the coal mines? A Whenever I would get broke.
Q Where have you followed the barber business except in the Choctaw Nation and Ft. Smith? A Short time here in Nowata.
Q Ever been in Kansas? A No sir, I never worked up there; I worked in Muskogee in the Creek Nation.
Q You ever work up in Missouri? A No sir, I went to Missouri with some cattle one time.
Q How long were you there? A About eight months on the trail.
Q Give me the name of this child? A Lenox Rogers.
Q How old is the child? A He will be 18 years old the 9th of this month.
Q Is the child living now? A Yes sir.
Q Is he living with you? A Yes sir, he is working right out here.
Q Give me the name of the mother of this child? A Her name was Fannie.
Q Was that your wife? A Yes sir.
Q You say she is dead, how long has she been dead? A She has been dead ten years about, it was eleven years, she died in Paris, Texas.
Q What was she doing down in Texas? A We and her ~~parted~~ separated and she went there and died.
Q When did you marry her? A I married her in '84 I believe it was, I think it was if I make no mistake.
Q Was she a Cherokee Freedman? A No sir.
Q She was a state woman A Yes sir
Q How old was she when she died? Or how old would she be now if she were living? A I guess about 35 years old to the best of my recollection; I didn't keep any account of her age.
Q Was she ever married except to you? A No sir.
Q Were you ever married except to her? A No sir, never was married before, married once since.
Q You didn't marry before you married her? A No sir.
Q You were her first husband were you? A Yessir, and she was my first wife.
Q Have you anybody here who knows that you married her, or have you a certificate of marriage? A No sir, I haven't any.

POOR ORIGINAL -
BEST AVAILABLE COPY

Jennie Dave Rogers et al 8

Q [illegible] A [illegible]

[illegible]

[illegible]

[illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

[illegible]

Q Did you draw Strip money? A No sir.

[illegible]

Q Did this child Lenox draw Cherokee Strip money? A No sir.
Q Is he on the roll of 1896? A No sir, he has never been on no roll.

[illegible]

Examined by Attorney Gillette:

Q You say you were born in 1857 A Yes sir.
Q That's your understanding? A Yes sir.
Q Did you ever know when you went with your master to Ft. Smith? A I just do remember it.
Q You think you started there about the beginning of the war then? A Some where about there, yes sir; I don't know exactly, but I just remember going there with him.
Q You came back to Fort Gibson in 1866? A Yes sir.
Q Have you ever owned a place on the public domain of the Cherokee Nation? A Yes sir.
Q How long? A I have owned a place for 10 years.
Q Where is it located? A Well nine years, west of Nowata one place there, the other place, Lewis Rogers' place, I sold it to Buckyhead.
Q Where are the witnesses in your case who know about your return to the Territory and about your owners being Cherokees? A Some of them are at Nowata.
Q What are they, Cherokees or Freedmen? A Some of them are Cherokees,- Lewis Rogers' family.
Q Are they to meet you at Nowata? A Yes sir.
Q Sons of your master? A Yes sir, I remember him, I know him.
Q Are they to meet you at Nowata as your witnesses? A Yes sir.
Q Sons of your former master? A Yes sir, one, there was two, but the other one is dead.

Examined by Cherokee Representative, James Davenport:

Q Which one of these sons is dead that's going to meet you there Jennie Dave? A Lewis Rogers's son.
Q Well, but his name? A William Rogers or Neal Rogers rather.
Q Don't you know that Neal Rogers isn't Lewis' boy, don't you know that Lewis and Tom are alike dead? A This is his son, that's all I know about it, he called him his son.
Q You are the one that went to Ike Rogers and tried to get him to identify you, you were working in the Choctaw country, and didn't you try to get Ike Rogers to identify you in 1896 and he wouldn't

POOR ORIGINAL -
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Q Did [illegible] you said you didn't belong to Lewis Rogers? A [illegible]
Q You didn't tell Mr. [illegible] about identifying you other? A [illegible]
Q How long things been in Arkansas after you came? A I never lived there at the time after the war.
Q Did you come from the war [illegible]? A I suppose I was [illegible] eight or nine years old.
Q How long have you lived in the country in Indian about the earth's [illegible] Nation, I never made it my [illegible]
Q I asked you how long you had lived there? A I don't know. I suppose a year all put together.
Q How long have you lived in Fort [illegible], Texas? A I never lived in Paris, Texas at all.
Q How long have you lived in the State of Texas? A Never was in Texas only Indian on an excursion train or something, went right down there and back.
Q Lewis Rogers was the father of the Jennie Rogers case, was Rogers and [illegible]? A No sir, I don't think he was.
Q You know where he lived before he went to Ft. Smith? A He lived down on the bayou with Moses Parris, Moses raised him. His mother got drowned.
Q That was Lewis Rogers that Moses Parris raised was he a citizen of the Cherokee Nation? A I suppose he was, as was Cherokee.
Q Do you know whether he was or not? A Of course I don't know anything about that, I know he was a Cherokee.
Q Don't you know he wasn't a recognized citizen of the Cherokee Nation, the Lewis Rogers that was raised by Moses Parris? A No sir, I don't know.
Q Don't you know he was a resident of the State of Arkansas and had no property whatever in the Nation at the breaking out of the war? A He had a farm down there.
Q You know where old man Chief Bushyhead lived? [illegible]
Q No, I don't know that, nor I didn't get to join '66 either. What country was that in, you know the place where Lewis Rogers owned that farm? A In the Cherokee Nation.
Q Well what part of the Cherokee Nation? A I don't know where it is whether it is Illinois or Tahlequah District.
Q Where was it from Ft. Gibson? A It was north from Ft. Gibson.
Q About how far? A About 12 or 15 miles, somewhere along about there.

JENNIE BECK, being sworn and examined by Commissioner Buckingham, testified as follows:

Q Give us your full name? A Jennie Beck.
Q How old are you? A I don't know exactly.
Q Well come as near as you can? A They put me down 43 I believe.
Q How long was it since they put you down 43? A Down to Gibson. when they were taking the roll,- some of you.
Q Here lately? A Yes sir.
Q What is your post-office? A Melvin when I am at home.
Q Do you live in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee nation? A Ever since I was born.
Q Do you know the applicant, Jennie Dave Rogers? A Yes sir
Q How long have you known him? A I have been knowing him ever since he was a baby.
Q How many times has he been married? A Twice.
Q What was the name of his first wife? A I wasn't acquainted with his wife, he married away from me.
Q You never saw his first wife? A No sir.
Q You don't know anything about her? A No sir.

Examined by Attorney Mellette:

POOR ORIGINAL -
BEST AVAILABLE COPY

Lewis Lewis Rogers et al # 8

Q Lewis, where did this man live at the breaking out of the war about the time? A He must have lived down at Fort Smith.
Q When was he born, whether after the war? A Before the war.
Q Where was he born? A In the Nation.
Q In what nation? A In the Nation, there, I don't know what they call that district.
Q What nation did you live in? A Cherokee Nation.
Q What nation did he live in? A Cherokee Nation.
Q Was that in the Cherokee nation where he was born? A Yes sir.
Q [illegible] A Yes sir.
Q What was her name? A Nancy Parris, she belonged to Rogers, Lewis Rogers.
Q You say she belonged to who at the time she was born? A Jesse Parris estate, and Rose Parris took the estate and raised him, his brother Rose Parris.
Q Were these Parris Cherokee Indians? A Yes sir.
Q Citizens of this country? A Yes sir.
Q Did they own Negro at the time this boy was born? A Yes sir.
Q When this boy was born then his mother belonged to the Parrises, who were Cherokee citizens? A Yes sir.
Q How long before the war do you suppose this boy was born? A I expect it was near three years.
Q How long did he stay in the Cherokee Nation after he was born? A Well I guess it was the turn of two years, I don't know exactly.
Q Well, what became of him then? A Alexander came and got him.
Q Who was his master? A Lewis Rogers.
Q What was he? A He was a Cherokee.
Q Where did he live? A He took him down towards Fort Smith and I don't know where they lived down in there.
Q Where did Alexander come from when he came after him? A I don't know exactly where he come from, he come and got a darkies and there to Rose Parris.
Q How did he happen to have any darkies at Rose Parrises? A It was the estate of his father, there were two of them, Will and Lewis.
Q Was this Lewis Rogers interested in the Parris estate? A Yes sir. His mother had married Jesse Parris.
Q Lewis Rogers' mother had married Jesse Parris? A Yes, and then there was two estate saved for these two boys.
Q How did they divide up the slaves? A Both parties took three apiece.
Q What became of this applicant after the war, you know anything about him after the war; you know when he came back to this country? A No, I don't know exactly when he came into the country, I see him here twice after he come back all I know about him;
Q Shortly before the war begun he was taken away from the Parris country in the Cherokee Nation? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Are you on the 1880 roll? A Yes sir.
Q Where were you just after the war? A I was nowheres but Gibson; I have never been out of this nation.

Examined by Cherokee Representative, James Davenport:

Q Did you know the applicant before the breaking out of the war, that boy there? A Yes sir.
Q He belonged then to Lewis T. Rogers? A Yes sir, it was an estate held for the children.
Q Do you know whether Lewis T. Rogers had any children? A Got one boy.
Q What is his name, do you know? A I don't know exactly his name.
Q Do you know where he is living now? A No.
Q I will ask you if his name wasn't William Cornelius Rogers?
A [illegible] him.

POOR ORIGINAL -
BEST AVAILABLE COPY

Lewis Rogers et al #

Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]

[illegible] Davenport I would like to get in the testimony of William Cornelius Rogers, Cherokee Nation, Enrolled number 3[illegible]. (Hands copy of testimony to attorney Mallett)

Comr Breckinridge:

Q Did you know Becky Rogers? A Yes sir, I knowed her.
Q Was she the mother of this applicant here? A Yes sir.
Q To whom did she belong? A Just the estate until the children came of age.
Q Was settled? A The estate of Jesse Parris, and brother Moses kept the estate until the children came of age, Lewis Rogers.
Q Did Becky Rogers belong to the Jesse Parris estate? A Yes sir.
Q Where did Becky Rogers die? A I don't know.
Q Do you remember when she died? A No sir, I don't know when she died, down there her master and her I guess.
Q You don't know where that was? A No sir.

Examined by Cherokee Nation: Davenport:

Q Do you know to whom Becky Rogers belonged at the breaking out of the war, or was she died before the war? A Died before the war I guess.

By Com'r Breckinridge:

Q You think she died before the war? A Must have I guess.

Com'r Breckinridge: The applicant applies for the enrollment of himself and one child; it appears from the testimony that the applicant was born in the Cherokee Nation, and was perhaps at the time of his birth the slave of a Cherokee citizen; he thinks he belonged to one Lewis Rogers; it may be that he belonged to what is known as the Parris estate; the exact status of his own rights when the civil war began is not definitely settled, unless the testimony of the applicant himself, who was at that time a child, be accepted, to the effect that he belonged to Lewis Rogers; it appears that he was taken to Fort Smith, in the State of Arkansas, a short time, possibly two or three years, prior to the breaking out of the civil war, and that he was there at the time the war began, and was in Sebastian County, Arkansas, during the continuance of the war, and came back to the Cherokee Nation after the conclusion of the war; it further appears that he has lived in the Cherokee Nation the greater part of the time since his return, as indicated, but has spent a limited time in Ft. Smith as a barber, and other periods in different parts of the Indian Territory; his father and mother died when he was very young, and nothing definite can be learned at this time about them, further than that his mother, according to the testimony of the witness,

POOR ORIGINAL - BEST AVAILABLE COPY

[illegible]

[illegible] to the [illegible] the applicant is [illegible] and is not [illegible] the [illegible] of the [illegible] [illegible] [illegible]

JCM

Cherokee Roll.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
Tahlequah, I. T., March 22, 1905.

In the matter of the application of Caroline Rose for the enrollment of herself and children, James, Ada, Louis, and Jessie L. Rose, as Cherokee Freedmen. No. 7-644.

CAROLINE VANN, being duly sworn and examined by the Commission, testified as follows:---

Q What is your name? A Caroline Vann. I was Rose before I married.
Q How old are you? A About 31 or 32, or something like that.
Q What is your post-office? A Tahlequah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Married? A Yes sir, I am married.
Q Husband's name? A Johnson Vann.
Q Is he a Cherokee Freedman? A Yes sir.
Q Is his name Johnson Jr.? A I think so.
Q When were you married? A About 6 months, I guess.
Q Do you remember in what month you were married? A I think it was about September.
Q About September, 19 4? A I don t know.
Q Been married long enough to have any children? A No, I have got plenty already.
Q Are you and Johnson livin together now? A Yes sir.

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Joe Chambers

Subscribed and sworn to before me
this 25th day of March, 1905.

Samuel Foreman
Notary Public.

JC

Cherokee Freedmen 2-816

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jennie Dave Rogers et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on June 6, 1901, Jennie Dave Rogers appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of himself and his minor son, Lennox Rogers, as Cherokee freedmen. Proceedings had at Fort Gibson, Indian Territory, on April 29, 1901, in the matter of the application of William Cornelius Rogers et al., are filed with and made a part of the record herein.

The evidence shows that Jennie Dave Rogers was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. Lennox Rogers, minor applicant herein, is the child of said Jennie Dave Rogers and his wife, a non-citizen, and claims his right to enrollment through his said father.

The said Jennie Dave Rogers cannot be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Jennie Dave Rogers and Lennox Rogers as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR 20 1904

FILED
JUN 12 1901

DEPARTMENT OF THE INTERIOR.

Chelsea, Indian Territory, June 18th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of June 5th, 1901, in the matter of the application of Jennie Dave Rogers et al for enrollment as Freedmen of the Cherokee Nation.

Attorneys for Applicants.

Cherokee F. #2556.

INDIAN TERRITORY
CHEROKEE NATION

I hereby certify that I served the within notice on the

by delivering a true copy thereof on the day of A. D. 1901

Given under my hand this day A. D. 1901

Marshal for Cherokee Nation

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the day of A. D. 1901

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } s s

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1901

ACTING CHAIRMAN

T. I. Gibson

NOTICE!

IN THE MATTER OF the application of Jennie Dave Rogers for enrollment as a Cherokee Freedman.

Case No. 538

To Jennie Dave Rogers or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to wit: Sept. 24th at 8 o'clock A. M. And upon during the usual business hours of said Commission on the respective days above named for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept., 1901.

D. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-135.

Muskogee, Indian Territory, May 4, 1904.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jennie Dave and Lennex Rogers as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

Enc. D-135.

Cherokee Freedmen
D-134.

muskogee, Indian Territory, May 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, rejecting the application for the enrollment of Jennie Dave and Lennox Rogers as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-134.

Chairman.

Cherokee Freedmen
D-133.

Muskogee, Indian Territory, May 4, 1904.

Edgar Smith,

Attorney for Jennie Dave Rogers et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Jennie Dave and Lennox Rogers as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register

Enc. D-133.

Cherokee Freedman
D-132.

Muskogee, Indian Territory, May 4, 1904.

Jennie Jane Rogers,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of yourself and your minor child, Lemmex Rogers, as Cherokee freedman. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register

Enc. D-132.

Copy

Land Div. D. T. 4.

Department of the Interior,

Office of Indian Affairs,

Washington, May 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated May 4, 1904, transmitting the record of the application of Jennie Dave Rogers, et al., for enrollment as Cherokee freedmen.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The evidence shows that Jennie Dave Rogers was the slave of Lewis Rogers, a Cherokee by blood, who removed in the year 1854, with his effects and this claimant, to the State of Arkansas, where he remained to the date of his death in 1860, having never been enrolled as a Cherokee citizen. His wife, Harried Rogers, and family, continued their residence in the State of Arkansas where the wife died in 1866.

It is further shown that the heirs of Lewis Rogers, William Cornelius Rogers, et al., applied April 29, 1901, Aug. 26-1896 for enrollment as Cherokees by blood which was denied and this action affirmed on appeal by the

Citizenship Court for the Southern District, Indian Territory, and the same is made a part of the record herein.

The evidence further shows that the child claimed for, Conex Rogers, was born subsequent to February 11, 1897, and has no rights not possessed by the claimant.

The names of the claimant are not found on the 1896 authenticated roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

MM
C

[illegible] 1129: [illegible]. [illegible] OF THE [illegible]

Department of the Interior,

I.T.D. 4162-1904. Washington, May 26, 1904.

Commission to the Five Civilized Tribes,

Muscogee, Indian Territory.

Gentlemen:

On May 4, 1904, you transmitted the record in the matter of the application for the enrollment of Jennie Dave Rogers and his minor son Lennox Rogers, as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

The evidence shows that the applicant Jennie Dave Rogers was born in the Cherokee Nation in 1857, that about two years thereafter he was taken by his master, Lewis Rogers, to the State of Arkansas, where Lewis Rogers died, about the beginning of the war. The applicant states that he returned to the Cherokee Nation in 1866.

It further appears that the heirs of Lewis Rogers, William Cornelius Rogers et al., applied August 26, 1896, for enrollment as Cherokees by blood, which application was denied by your Commission, and on appeal your decision was approved by the United States Court for the Northern District of Indian Territory.

You rejected the applicants for the reason that Jennie Dave Rogers was not x the slave of a Cherokee citizen, or a free

colored person residing in the Dakotas Indian at the time of the outbreak of the rebellion.

Under date May 21, 1914, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed, in which there appear several errors.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-16.

Muskogee, Indian Territory, June 1, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Jennie Dave and Lennox Rogers as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 28, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
[illegible]

Muskogee, Indian Territory, June 1, 1904.

Jennie Dave Rogers,

Eufaula, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 26, 1904, rejecting your application for the enrollment of yourself and your minor child, Lennex Rogers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 26, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-136.

Muskogee, Indian Territory, June 1, 1904.

Edgar Smith,

Attorney for Jennie Dave Rogers et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 26, 1904, rejecting the application for the enrollment of Jennie Dave and Lennax Rogers as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 26, 1904.

Respectfully,

Chairman.

Cherokee procedure
A 258

Muskogee, Indian Territory, June 23, 1904.

Kime & Clever,

Attorneys for Jennie Dave Rogers, et al.,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of June 17, asking for a copy of the record in the application of Jennie Dave Rogers, et al., for enrollment as Cherokee freedmen, in order that you may take steps to have this case reopened.

In reply you are advised that the Commission's decision rejecting the applicants in the case referred to was approved by the Secretary of the Interior on May 24, 1904. There is herewith inclosed a copy of the record of proceedings, together with a copy of the Commission's decision and the Department's letter approving the same. There is also inclosed blank receipt which you are requested to sign and return to the Commission.

Respectfully,

Encl. V-54

Commissioner in Charge.

Cherokee Freedmen
Enrl. div.

Muskogee, Indian Territory, June 14, 1906.

Caroline Vann,

Tahlequah, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of application for the enrollment as a citizen of the Cherokee Nation of Tommy Ross, born February 20, 1904.

Respectfully,

LCW

Commissioner

355

CHEROKEE FREEDMAN

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906

Tommy Rose

as a citizen of

CHEROKEE

Nation.

Approved JAN 1 1907 190

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
JUN 30 1906

COMMISSIONER

JUN 7 1906

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

[illegible]

[illegible] APPLICATION FOR ENROLLMENT as a citizen of the [illegible]

of Tommy Ross born on the 25 day of Feby 1904

father of Citizen Henry Funtkhouser citizen of the U S nation

Mother of Citizen Caroline Vann a citizen of the [illegible] nation

Tribal enrollment of father _____ Tribal enrollment of mother 1683

Postoffice Tahlequah I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Caroline Vann on oath state that I am 33 years of age and a citizen by adoption, of the [illegible] Nation; that I am the unlawful wife of Henry Funtkhouser who is a citizen by [illegible] of the United States nation; that a Male child was born to me on 25 day of February 1904 that said child has been named Tommy Ross and was living March 4, 1906.

Caroline Vann

WITNESSES TO MARK:

[Must be Two Witnesses] { _____ _____

Subscribed and sworn to before me this 8 day of June 1906.

John Dorall
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Lucy Barkis a Midwife on oath state that I attended on Caroline Vann unlawful wife of Henry Funtkhouser on the 25 day of Feby or about 1904 that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Tommy Ross

her
Lucy x Barkis
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { J A Myers _____
Edward L. B. Wade _____

Subscribed and sworn to before me this 7 day of June 1906.

John Dorall
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 5 1901

ACTING CHAIRMAN.

DISMISSED OR CONTESTED

CHEROKEE FREEDMEN

Date JUN 5 1901

Territory Cherokee Nation

Dawes Roll

1. Name [illegible] Age [illegible]

Post office [illegible] Citizenship [illegible]

Tap ____ Page ____ S ____ Parent ____

Parents:

Father [illegible] deceased

Mother [illegible] deceased

2. Name of wife ____ Age ____

Owner's name ____ Citizenship ____

Year ____ Page ____ No. ____ Dist. ____

Parents:

Father Doubtful

Mother ____ Citizenship ____

Names of children:

2. [illegible] Year ____ Page ____ No. ____ Dist. ____

4. Year ____ Page ____ No. ____ Dist. ____

5. Year ____ Page ____ No. ____ Dist. ____

6. Mother to a, Fannie Rogers deceased

7. Year ____ Page ____ No. ____ Dist. ____

8. Year ____ Page ____ No. ____ Dist. ____

9. Year ____ Page ____ No. ____ Dist. ____

10. Doubtful

11. Year ____ Page ____ No. ____ Dist. ____

12. Year ____ Page ____ No. ____ Dist. ____

Application made by Mo 1 Stenographer M. K. Green

Mellette and Smith atty's for applicants

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Jennie Day Rogers,
Howata, I. T.
Chanidas-F-1-133.
Dead tar.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Chen. Fr. R. 356

Chen Fr. R. 356

Caroline Stern [illegible]

Geo. W. Weiss, being duly sworn states that as stenographer in the Commission of the [illegible] Nations he reported in full all the proceedings in the above entitled case and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Geo. W. Weiss

Subscribed and sworn to before me this [illegible]nd day of April, 1901.

At Fort Gibson, I. T.

Commissioner.

Barbara Starr et al.

[illegible]

Examined, by Cherokee Representative, W.W.Hastings:

Q Who did you come back with after the war? A One of the boys came here and got Cole Starr's team and we all came back, me and his son Charley.
Q Who took you South? A Sam Fisher, Starr, and Cole Starr went, and we came [illegible]
Q And you came back with Charley, any of the rest of Charley's folks? A No sir, none but him; he came on back down there; came to Flint, and drove some cattle for Osborn Fisher, and went down there and Charley was going to school and he came on back with us; Charley Starr, he was staying in Texas there going to school.
Q Did you come here with Barbara Starr? A I think we did.
Q Don't you know? A Mr. Hastings, I am talking and trying to tell the truth the best I know how.
Q I want to know if Charley Starr didn't bring you and Barbara back together A I tell you that boys come up here and drove cattle with Osborn, and come back there and we came along together, in the summer.

Examined, by Commissioner Needles:

Q Do you recollect whether Barbara came with you? A Yes sir, [illegible] with she come with us. There was a man told me the law had passed and for us all to come back; I never knowed nothing about the treaty; said the law, that's the way it was told to me, the law; I never went no further than the Choctaw Nation.

Examined by Cherokee Representative, W.W.Hastings:

Q Didn't you apply before the Kerns-Clifton Commission five years ago? A No sir, I didn't come.
Q You didn't apply for that money? A No sir, I came up here and J. Milton Turner told me I would have to pay him ten dollars and so I didn't have it and I couldn't pay it, and I went on home.

By Commissioner Needles:

Q Ten dollars or fifty dollars? A He told me if I would pay the ten dollars down I could pay the other when I drawed.
Q You didn't have the money, so you went back? A Yes sir.
Q Have you got any witnesses that knew you before the war; knows about what time you came back? A Julia Davis used to know that I think.

Examined by Cherokee Representative, W.W.Hastings:

Q What place did you come to in Flint when you came back just after the war, first? A Hickory Starr's place.
Q Was he living there then? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified, neither name of her child.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Sworn to before me this [illegible] day of April, [illegible].

Commissioner.

Jerome Starr 2.

Does, you solemnly state that as stenographer [illegible] [illegible] [illegible]

S U P P L E M E N T A L T E S T I M O N Y .

[redacted] CASE, DOCKET,

No. 77,

. . . . . .

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, Nineteen.

In the matter of the application of Caroline Starr. SUPPLEMENTAL TESTIMONY.
Ellis W. Buffington, being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Ellis W. Buffington.
Q What is your age? A. 51.
Q What is your post office? A. Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q You want to give some testimony in the case of Caroline Starr? A Yes sir.

Examination continued by L. B. Bell, Cherokee Representative.

Q Tell what you know of Caroline Starr. A. Caroline Starr belonged to my grandmother; she belonged in the family of Bob Starr; at the commencement of the war she was taken south. My grandmother gave her to my aunt Mary Jane Johnson; at the commencement of he war my grandmother and my aunt Mary Jane Johnson left together and carried all the negroes south and at the close of the war they all moved back but they left the darkies on the Kiamitia river in the Choctaw Nation; that was in the spring of 1866, and the darkies did not get back here until in 1867, in the fall of the year. Charles Starr, a nephew of Aunt Bob Starr, he went down there in October of 1867 and brought them back—in October or November; he was gone from her 3 or 4 weeks.

Q By the Commission—

Q The applicant, here, Caroline Starr did not come back to the Cherokee Nation then until 1867? A. No sir.
Q Where was she in 1866? A. On Kiamitia River in the Choctaw Nation and made a crop there in the Choctaw Nation on a farm owned by a man named Geffery.
Q Who did Caroline Starr belong to at the time of he war? A. To my aunt, Mary Jane Johnson; she was given to her by my grandmother after she was married
Q Was she a Cherokee citizen? A. Yes sir.
Q These Starr negroes were never taken any further south than the Choctaw Nation were they? A. No sir.

By Bell—

Q Where was Charles Starr in 1866? A. Going to school in Texas; Uncle Gale Starr moved away from the Choctaw Nation and he left Charles in Texas going to school in Paris Texas. He staid there until the winter of 1866, maybe in January of 1867.
Q Then did he return here? A. Yes sir.

= = = = = = = = = = = = = = = = = =

[illegible]

[illegible]

At Fort [illegible], N. Y.

[illegible]

Commander.

Testimony of [illegible], R.

Q. You two all came back along together? A. Yes sir, and I paid my [illegible] to [illegible].

Q. You burned for [illegible] your life before for nothing? A. Yes sir.

By the Surveyor Rathbun:

Q. [illegible] there were handcuffs on old Charlie Stager? A. Yes sir.

Q. [illegible] really danger when you came together did they? A. Yes sir.

Q. [illegible] you did not? A. No sir but he was a soldier.

- - - - - - - -

[illegible], being sworn states that as stenographer to the Commission [illegible] reported in full all the proceedings in the above and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

[illegible]

Subscribed and sworn to before me this the 25th of April, 1901, at [illegible], I. T.

Commissioner.

RECEIVED
APR 2 2 1901

S U P P L E M E N T A L T E S T I M O N Y.

In the matter of the application of

CAROLINE STARR, ET AL.

* * * * * *

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 26th 1901.

In the matter of the application of Caroline Starr et al.

JEFF RUSSELL, called and sworn as a witness, testified before Commissioner T. B. Needles, as follows:

Q What is your name? A. Jeff Russell.
Q What is your age? A. 78.
Q What is your post office address? A. Melvin.
Q Do you know Caroline Starr? A. Yes sir I been knowing her.
Q Do you know where she was at the close of the war? A. I dont know where she was when the war closed but I seen her in '66.
Q Where did you see her? A. Up above Evansville.
Q Have you known here ever since? A. Yes sir.
Q Was she a slave? A Yessir.
Q Who did she belong to? A. To Starr.
Q Which Starr? A. Jesk.
Q Didn't know her before the war did you? A. I seed her a few times then
Q You say you say her in '66? A. Yes sir, in the winter of '66
Q What part of the winter? A. Just before Christmas, two weeks before Christmas.
Q Where was it you say you saw her first? A. East of Evansville.

By Cherokee Nation's attorney, James Davenport-

Q You say you saw her east of Evansville? A. Yes sir.
Q In Arkansas? A. No sir, in Flint district.
Q Not the Evansville in Arkansas? A. No sir in the Cherokee Nation.
Q The Evansville that is there now across the line in Arkansas is not the one that was there when you saw this woman? A. I never knew any Evansville in Arkansas.
Q What makes you remember that it was in 1866 that you saw her? A. I came home from Texas in 1865, my old boss told me so, and the next years was '66 and that is the reason that I know.
Q How many winters had you been here before you saw her? A. One winter, the winter of '65, and I saw her in '66, the next year.
Q Dont know who she came back with do you? A. No sir.
Q Do you know who she belongted to before the war? A. Yes sir the Starrs
Q Had any of the Starr's come back when you saw her th first time? A. I dont know.
Q How old was she then when you saw her? A. She was about a grown woman

JOSH STARR, called and sworn as a witness by Com'r T. B. Needles, testified as follows:

Q What is your name? A. Josh Starr.
Q What is your age? A. 48.
Q What is your post office address? A. Fort Gibson.
Q Do you know Caroline Starr? A. Yes sir.
Q What relation is she to you? A. My sister.
Q Your full sister? A. My half sister, full by my mother.'
Q Where was she in 1866? A. She was right with me, we all lived together.
Q Where did you all live together? A. We all came from the Choctaw Nation to the Cherokee Nation together.
Q And you all arrived in 1866? A. Yes sir.
Q And she was with you? A. Yes sir.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Jesk Starr.
Q Was she taken out during the war? A. Yes sir we all went south.
Q How far south did you go? A. To the Choctaw Nation on the Kiamitia
Q Didnt go as far south as Texas? A. No sir.

Q You say you all came back here together? A. Yes sir, and I told my old master did.no to bring me back.
Q And had worked for him all your life before for nothing? A. Yes sir.

By the Cherokee Nation-

Q Caroline Starr came back with you and Charles Starr? A. Yes sir.
Q All your family didn't come back together did they? A. Yes sir.
Q Pete didn't come back with you did he? A. No sir but he was a soldier.

- - - - - - - -

Chas. von Weise, being sworn states thatas stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case he reported in full all the proceedings in the above and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 25th of April, 1901, at Fort Gibson, I. T.

Commissioner.

United States of America,
Cherokee Nation, District of Tah-
lequah, Indian Territory.

Fort Gibson
Ind. Ter.

In the matter of Citizenship in the Cherokee Nation of Caroline Star as a Cherokee Freedman.

Personally came before me a notary public in and for the above named District, Celia Parnell who after being duly sworn according to law, deposes and says:—

That she is well acquainted with Caroline Star, and that she has known her all of her life.

She further states that the said Caroline Star was the slave of her uncle Geke Star who was a Cherokee Indian and a citizen of the Cherokee Nation. She further states that her uncle Geke Star lived in Flint District Cherokee Nation, before the war, and when the war came up that her uncle Geke Star went South into the Choctaw Nation with his family and carried with him the said Caroline Star.

[illegible]
[illegible] Indian Territory
and that her age is [illegible]

She further states, that her mother, Caroline Star remained in said Choctaw Nation during the war, and after the war she returned back to the Cherokee Nation in the Spring of 1866. She further states the said Caroline Star returned back from the Choctaw Nation to the Cherokee Nation in the Fall of 1866; and that she has remained here ever since.

Witnesses
Lillie Thompson
Amy Johnson

Celia her x mark Parnell

Sworn to and subscribed before me this 24th day of April 1902.

John Brady.
Notary Public

Cherokee Freedmen D 77.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Caroline Starr for the enrollment of herself and her minor child, John W. McClure, as Cherokee Freedmen.

DECISION.

The record herein shows that on April 15,1903, Caroline Starr appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her child, John W. McClure, as Cherokee Freedmen. Further proceedings were had in the matter of said application at Fort Gibson, Indian Territory, on April 24, 1903.

The evidence herein shows that Caroline Starr, at the commencement of the rebellion, was the slave of Zeke Starr, a Cherokee citizen; that she was taken out of the Cherokee Nation during the rebellion and that she did not return to said Nation until after the time specified in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation. It does not appear that the said Caroline Starr is identified on the 1880 authenticated Cherokee roll or any other roll of said Nation.

The records of the Commission show that Jesse McClure, the father of said John W. McClure, has been dead several years and was not a citizen of the Cherokee Nation. The said John W. McClure was born about the year 1890; and his name is not identified on any of the rolls of the Cherokee Nation, and it is considered that he can acquire no rights not possessed by his mother Caroline Starr.

It is, therefore, the opinion of this Commission that the application for the enrollment of Caroline Starr and her minor child, John W. McClure, as Cherokee Freedmen should be denied, under the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Tams Bixby
CHAIRMAN.

SIGNED: A. L. Woodliee.
Commissioner.

SIGNED: C. R. Breckinridge.
Commissioner.

Dated at Muskogee, I.T.

this APR 2 1 1904.

Commissioner.

[illegible]

[illegible] Muskogee, Indian Territory, May 11, 1902.

Caroline Starr,

Fort Gibson, Indian Territory.

Dear Madam:

The Commission is in receipt of what purports to be an affidavit signed by Celia Parnell relative to your right to be enrolled as a Cherokee Freedman.

The same is returned to you herewith for the reason that the Commission does not accept affidavits as evidence.

Yours truly,

Acting Chairman.

Encl. C-151 1/2.

Cherokee Freedmen
D-77.

Muscogee, Indian Territory, May 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Caroline Starr and John W. McClure as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

Enc. D-138.

Cherokee Freedmen
D-77.

Muskogee, Indian Territory, May 6, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, rejecting the application for the enrollment of Caroline Starr and John W. McClure as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-137.

Chairman.

Cherokee Freedmen
D-97.

Muskogee, Indian Territory, May 4, 1904.

Caroline Starr,
Bonge, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your minor child, John W. McClure, as Cherokee freedmen, together with a copy of the Commission's decision dated April 30, 1904, rejecting said application.

The decision with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Chairman.

Enc. D-136.

Land Division.

Department of the Interior,

Office of Indian Affairs,

Washington, May 17, 1904.

The Secretary,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated May 4, 1904, transmitting the record of the application of Caroline Starr et al. for enrollment of herself and child as Cherokee freedmen.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The evidence shows that the said Caroline Starr was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the war she was taken out of the Cherokee Nation and did not return until the fall of 1867. That her child was born in 1867. The names of the applicant or child, John W. McClure, do not appear on the 1880 authenticated Cherokee roll or any other roll of said Nation. The father of the child has been dead several years and was not a citizen of the Cherokee Nation. The child therefore has no rights not possessed by its mother, the said Caroline Starr.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

M.M.M.

Very respectfully,

A. C. Tonner, Acting Commissioner.

D. F. [illegible]-1904. [illegible]

[illegible] OF THE SECRETARY,

I.T.D. 4096-1904. WASHINGTON. MAY 24, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On May 4, 1904, you submitted the case involving the application for the enrollment of Caroline Starr and her minor child, John W. McClure, as Cherokee freedmen, having found in your decision of April 20, 1904, that the applicants are not entitled to enrollment.

Submitting the matter May 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

The Department is in receipt of two letters from Caroline Starr, dated May 9 and 10, 1904, respectively, requesting a rehearing in this case. Neither communication bears any evidence of service of a copy thereof upon the attorney for the Cherokee Nation. The only statement in these communications worthy of notice is that which alleges that she has "secured the testimony of a white lady which will clearly show that she did returned to the Cherokee Nation in the year 1866." This is altogether too indefinite, even if the application had been served upon the attorney for the nation, to warrant a rehearing.

Concurring in the recommendation of the Indian Office,

[illegible] to hereby affirmed, and you will, on serving the [illegible] applicant, furnish him a copy hereof.

A copy of the Acting Commissioner's letter is enclosed.

Respectfully,

[illegible]

Todd Tyson

Acting Secretary.

1 enclosure.

Cherokee Freedmen

Muskogee, Indian Territory, June 1, 1904.

W. W. Wallace,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 27, 1904, rejecting the application for the enrollment of Caroline Starr and her minor child, John W. McClure, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 24, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
[illegible]

Tahlequah, Indian Territory, June 1, 1904.

Caroline Grant,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 30, 1904, rejecting your application for the enrollment of yourself and your minor child, John W. McClure, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on May 24, 1904.

For your information there is herewith enclosed a copy of Departmental letter of May 24, 1904.

Respectfully,

Enc. D-12.

Chairman.

DEPARTMENT OF THE INTERIOR, S. P.
P. O. 32207-1903. WASHINGTON. June 24, 1903.
I. T. D. 1204-1902.
1413-
7000-

L. G. H.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered a motion for rehearing in the Cherokee freedman case of Caroline Starr, for herself and her child, Johnnie Wesley McClure, in which case a decision was rendered by the Department May 24, 1904, affirming your decision adverse to the applicants.

The testimony submitted by Caroline Starr at the hearing in 1901 was entirely insufficient to warrant her enrollment, even if no testimony had been submitted by the Cherokee Nation. E. W. Buffington, testifying for the Nation, stated that Caroline Starr, who belonged to a relative of his, did not return to the Nation until the fall of 1867. In the motion it is asserted that the principal applicant can show that she returned to the Nation on or about November 15, 1866, and that she can establish the fact by the testimony of certain persons mentioned. The affidavits of three of these persons, attached to the motion, merely state that Caroline Starr returned to the Cherokee Nation on or about November 15, 1866, and took up her residence in said Nation and has continuously resided there since.

These statements are altogether too general to warrant the suspending of this case. These proposed witnesses do not state how, when or where they acquired their knowledge of the matters charged. It is expected that they will testify.

The motion is denied. Respdts. Deal and Lemon of Fort Smith, Arkansas, who filed the motion, have been furnished with a copy of this letter.

Respectfully,

(Signed) E. L. Thiehoff

Secretary.

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,

[illegible] WASHINGTON.

[illegible]

July 20, 1904.

[illegible]

The Commissioner

to the Five Civilized Tribes.

Gentlemen:

July 11, 1904, the Department received a motion for rehearing in the matter involving the application of Caroline Starr for the enrollment of herself and child as Cherokee freedmen, in which case the Department rendered a decision May 24, 1904, sustaining your decision rejecting the application.

This motion appears to have been duly served upon W. W. Hastings, attorney for the Cherokee Nation, July 7, 1904. The letter transmitting the motion is in the nature of an argument and is inclosed herewith, to be delivered to the applicant, as a copy does not appear to have been sent to said attorney.

You are directed to suspend action in the case until further advised.

The Nation is allowed 20 days from notice hereof in which to file, direct with the Department, an answer to the motion for rehearing. So advise said attorney.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen,
Enrol.

Muskogee, Indian Territory, August 18, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of Departmental letter of July 26, 1904, in which it is stated that a motion for rehearing, duly served upon the Cherokee Nation attorneys, has been filed with the Department in Cherokee Freedmen case R-222 (old number R-77), Caroline Starr, et al.

In accordance with the Department's instructions, you are advised that you will be allowed twenty days from date hereof within which to file, direct with the Department, an answer to said motion for rehearing.

Respectfully,

Commissioner in Charge.

[illegible]

[illegible]

Commissioner in Charge,

Cherokee Land [illegible]

Tahlequah, Indian Territory.

Dear Sir:

You are advised that the Commission is in receipt of Departmental letter of July 28, 1902, in which it is stated that a motion for rehearing has been filed with the Department in Cherokee Freedman case R-[illegible] (old number, D-77), Caroline Starr, et al., and the Commission is also instructed in said letter to "suspend action in this case until further advised."

Respectfully,

Commissioner in Charge.

Cherokee Commission
Office.

Muskogee, Indian Territory, August [illegible], 1906.

Caroline Ross,

Rome, Indian Territory.

Your home.

The Commission is in receipt of Departmental letter of July 24, 1906, in which it is stated that a motion for rehearing has been filed in your application for enrollment as a Cherokee freedman. The Department encloses a "Statement of facts" forwarded by you, and directs the Commission to return same to you as the document does not bear evidence of service upon the attorneys for the Cherokee Nation. This document is accordingly herewith enclosed.

In accordance with the Department's instructions, the attorneys for the Cherokee Nation have this day been advised that they will be allowed twenty days from date hereof in which to file, direct with the Department, an answer to your motion for rehearing.

Respectfully,

Encl.
DTS-9.

Commissioner in Charge.

Cherokee Freedmen
D-77.

Muskogee, Indian Territory, November 23, 1904

Neal & Lockner,

Fort Smith, Arkansas.

Gentlemen:

The Commission is in receipt of your letter of November 19, asking that you be furnished with a copy of the proceedings had in the matter of the application for the enrollment of Caroline Starr as a Cherokee freedman.

In reply you are advised that the applicant in this case has heretofore been furnished with a copy of the record of proceedings, and the Commission cannot undertake to furnish you with the additional copy requested.

Respectfully,

Tams Bixby

Chairman.

Muskogee, Indian Territory, February 4, 1908.

The Honorable

The Secretary of the Interior

Sir:

The Commission is in receipt of Departmental letter of January 24, 1908 (I.T.D. 4034-1904), requesting the Commission to make an early report in the Cherokee Freedman case of Caroline Starr et al. (R-336).

In reply you are advised that the records of the Commission show that on April 30, 1904, the Commission rendered its decision in this case denying the application for the enrollment of Caroline Starr and her minor child, John M. McClure, which decision was forwarded to the Department for its approval and on May 24, 1904 (I.T.D. 4034-1904), the Department approved the Commission's Decision.

The records of the Commission further show that by Departmental letter of July 28, 1904 (I.T.D. 5908-1904), the Commission was advised that the Department had received a motion for rehearing in this case and the Commission was directed to suspend action in the case until further advised. The Commission was requested by said Departmental letter to allow the Attorney for the Cherokee Nation twenty days in which to file direct with the Department an answer to said motion for rehearing. On August 18, 1904,

the Attorney for the Cherokee Nation was so notified.

The Commission is not informed of any further action in this case.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman

DEPARTMENT OF THE INTERIOR, J. R.
FIE.

R. C. 28287-1906.
I. T. D. 1108-1906.
1410- "
7030- "

WASHINGTON, June 24, 1906.

L. M. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered a motion for rehearing in the Cherokee freedman case of Caroline Starr, for herself and her child, Johnnie Wesley McClure, in which case a decision was rendered by the Department May 24, 1904, affirming your decision adverse to the applicants.

The testimony submitted by Caroline Starr at the hearing in 1901 was entirely insufficient to warrant her enrollment, even if no testimony had been submitted by the Cherokee Nation. N. W. Buffington, testifying for the Nation, stated that Caroline Starr, who belonged to a relative of his, did not return to the Nation until the fall of 1867. In the motion it is asserted that the principal applicant can show that she returned to the Nation on or about November 15, 1866, and that she can establish the fact by the testimony of certain persons mentioned. The affidavits of three of these persons, attached to the motion, merely state that Caroline Starr returned to the Cherokee Nation on or about November 15, 1866, and took up her residence in said Nation and has continuously resided there since.

These statements are altogether too general to warrant the reopening of this case. These proposed witnesses do not tell how, when or where they acquired their knowledge of the matters whereof it is expected that they will testify.

The motion is denied. Henry, Neal and Lemon of Fort Smith, Arkansas, who filed the motion, have been furnished with a copy of this letter.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

F 677

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
APR 24 1901

CHEROKEE FREEDMEN

Roll

Field Office

Number

1. Name [illegible] Age [illegible]

Owner's name [illegible] Citizenship Cherokee

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents

Father [illegible] Citizenship

Mother [illegible] Citizenship

2. Name of wife Caroline Starr Age 46

Owner's name John Starr Citizenship Cherokee

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents

Father [illegible] Citizenship

Mother [illegible] Citizenship

Names of Children

1. John W. McClure Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

2. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

3. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

4. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

5. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

6. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

7. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

8. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

9. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

10. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

11. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

12. Year [illegible] Page [illegible] No. [illegible] Dist. [illegible]

Application made by [illegible] Stenographer [illegible]

14

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Caroline Starr,
Benge, I.T.
Cherokee F-D-77
Register.

Department of the Interior.

[illegible] to the Pre-emption [illegible]

[illegible] for private use, $300.

Caroline Starr,

~~Post-office,~~

~~Indian Territory.~~

Dora Ark

Fn R- 357

R.M.--2.

Needles, testified as [illegible]

Q That is your name? A [illegible] Burgess.

Q How old are you? A [illegible] years old.

Q What is your post office [illegible]ss? A Fisk.

Q Do you know Robert Mayfield? A Yes, sir; I have been acquainted with Robert Mayfield [illegible] while.

Q Was he a slave? A No, [illegible] I don't know that. I became acquainted with him after he came back.

Q When did you first get acquainted with Robert Mayfield? A I don't know just what month, nor just about what time; it was along about 1867 or 1868, along there, as near as I can recollect; I don't know exactly, I just can't remember the month or year.

Q What month in 1867 or 68? A I don't know, sir.

Q You don't know exactly when he first came back then? A No, sir; I don't know when he first came back, but the first time I seen him I seen him here at Fort Gibson.

xxxxxxxxxx

Alex Rivens, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Alexander Rivens.

Q How old are you? A I am about 60.

Q What is your post office address? A Fort Gibson.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Robert Mayfield? A Yes, sir.

Q How long have you known him? A I have been known him about thirty years.

Q Do you know whether he was a slave? A He said he was.

Q What do you know about it? A I don't know, and I have heard an old lady say he was a slave, she knew him.

Q Where did you first know Robert Mayfield, when? A I can't tell exactly. [illegible] about the latter part of 1866. [illegible] 1866 I reckon; not in 1865, but 1866.

Q [illegible] Did you know him? A Yes, sir, that

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 16, 1896.

In the Matter of the application of Robert Mayfield for enrollment as a Cherokee Freedman.

Robert Mayfield, being duly sworn and examined by Commissioner Beallce, testified as follows:

Q What is your name? A Robert Mayfield.
Q How old are you? A I am about 62 or 63 years old.
Q What is your post office? A Fort Gibson.
Q What district do you live in? A Illinois.
Q Are you ready to go ahead as a Cherokee Freedman? A I want to attend to my children's case first.
Q Do you want to enroll yourself? A Yes, sir, I want to enroll myself.
Q Do you apply to be enrolled as a freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a freedman or any other tribe or nation? A No, sir.
Q Is your name on the rolls of the Cherokee Nation? A On the Vallance roll.
Q Is your name on the 1880 roll? A No, sir.
Q Are you married? A Yes, sir.
Q Do you apply for your wife? A No, sir, my wife is a state woman, the one I am living with now.
Q How many children have you got? A Two at home.
(See separate application for children, Curry and Amanda Mayfield, made this day.)
Q Now you apply for the enrollment of yourself, do you? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Named Sallie Mayfield.
Q Where were you at the beginning of the war between the United States and the Confederacy? A I was down south.
Q Whereabouts? A In Rusk County, Texas.
Q Where did you come from there to the Cherokee Nation?
A I came back here the winter of 1866.
Q Have you been living here ever since? A Yes, sir.
Q Where were you born? A I was born in Flint district.
Q How did you happen to be down in Texas? A My owners carried me there, I had to go.
Q Did they sell you down there? A No, sir, I never belonged to but one man in my life.
Q You came back here in 1866? A Yes, sir.
Q Are you sure of that? A Yes, sir.
Q It wasn't in 1856? A No, sir, 1866.
By W.W.Hastings, attorney for Cherokee Nation: Who was your owner?
A Sallie Mayfield, she raised me.
Q She took you down there? A Yes, sir, she took me down there.
Q Did she bring you back? A No, sir, I brought myself back.
Q Who did you come back with? A I came back with Joe Thompson.
Q Which Joe Thompson? A Joe Thompson is all I know.
Q Have you ever heard of him since? A I heard of him being dead.
Q Who else came back with you? A There was little Joe Kell.
Q Do you know whether Joe Thompson had a half brother named Doc Cunningham; was it that Joe Thompson? A No, sir, I don't know no Dock Cunningham.
Q Who else came along in your crowd, just three? A No, sir, a whole lot of them; I didn't get acquainted with them; that wasn't my business to get acquainted with them.
Q Did you know them down in Texas, Joe Thompson? A Yes, sir, I knew them down south; if I hadn't knowed them down south I wouldn't have come back with them.
Q Did they bring their families with them? A Joe Kell didn't

here we family.

Q Did Joe Thompson? A Yes, sir, I think he did.

Q Did you come in wagons? A I came in wagons and horseback; just changed from one to another.

Q There was quite a crowd of you? A Yes, sir, right smart of us.

Q As many as 30 or 40 wagons? A No, sir.

Q Do you remember any other Cherokees except Thompson and Kell?

A No, sir, I don't.

Q Where did you go to? A I came to Fort Gibson and been here ever since.

Q Where were your party, Joe Thompson? A We quit them before I came home. I quit them across the river.

Q Where did Joe Thompson live at that time? A I don't know, he went on from here.

Q Did he say where he was going? A No, sir, he didn't tell me.

Q Do you know any of his people? A No, sir.

Q Who did you live with here when you came over here? A When I first came here, I lived with Alex Nivens.

Q Is he alive? A Yes, sir, he is out doors there somewhere I reckon.

Q He a colored man? A Yes, sir; I married a woman and lived with him.

Q Do you know any of these Cherokees here that you say when you came back here? A Do I know any of them; been so long mighty near all of them dead.

Q Have you been living here ever since? A Yes, sir.

Q Right in Fort Gibson? A I went up on Verdigris I believe it was in 1873, and in the fall of 1873 I came right back and been here ever since.

Q In town? A No, sir, in the country, in the bottom, I own a place down here.

Q How far from here? A Four miles.

Commissioner Needles: Do you know anybody here that knew you here in 1866? A Yes, sir.

Q Who? A I got some witnesses out doors, Alex Nivens.

Mr. Hastings: Was this Joe Kell that you came back with colored or a Cherokee? A He was a Cherokee.

Q And Thompson, both? A Yes, sir, little Joe Kell was nighty near a full blood;. he looked like a full blood.

Q Did you come back in the spring or fall of the year? A No, sir, it was most Christmas when I came back.

Commissioner Needles: Why wasn't you on the roll of 1880, do you know? A Because they frauded me like they are trying to fraud me now, if you want me to tell you the truth.

Mr. Hastings: Your wife was put on the roll of 1880? A My wife has never been nowheres.

Q She is on the 1880 roll? A That is my dead wife.

Commissioner Needles: Did you draw strip money? A I didn't draw but once, I drawed on the Wallace roll.

Commissioner Needles: The name of Robert Mayfield cannot be found upon the authenticated roll of 1880, or the census roll of 1896, or the strip payment roll. He avers that he was born a slave, and that he was in the Cherokee Nation in 1866. He produces no testimony other than his own. The case will be continued and until he can bring his witnesses in.

****

Hearing continued, April 10, 1901.

Luster Foreman, being duly sworn and examined by Commissioner

B.S.--6.

Beedles, testified as follows:

Q That is your name? A [illegible] Parrum.

Q How old are you? A [illegible] years old.

Q What is your post office address? A [illegible].

Q Do you know Robert Mayfield? A Yes, sir, I have been acquainted with Robert Mayfield [illegible].

Q Was he a slave? A No, [illegible] I don't know that, I became acquainted with him after the [illegible].

Q When did you first get acquainted with Robert Mayfield? A I don't know just what month, but [illegible] that time; it was along about 1867 or 1868, along there, [illegible] I can remember; I don't know exactly, I [illegible].

Q What month in 1867 or 1868? A I don't know, sir.

Q You don't know exactly when he first came back there? A No, sir, I don't know when he first came back, but the first time I seen him I seen him here at Fort Gibson.

oooooooooo

Alex Rivens, being duly sworn and examined by Commissioner Beedles, testified as follows:

Q What is your name? A Alexander Rivens.

Q How old are you? A I am about 60.

Q What is your post office address? A Fort Gibson.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Robert Mayfield? A Yes, sir.

Q How long have you known him? A I have been known him about thirty years.

Q Do you know whether he was a slave? A He said he was.

Q What do you know about it? A I don't know, and I have heard an old lady say he was a slave, she knew him.

Q Where did you first know Robert Mayfield, when? A I can't tell exactly, must have been about the latter part of 1865; been about 1866 I reckon; not in 1865, but 1866.

Q That the first time you ever knew him? A Yes, sir, that is the first I ever knew him.

Q Do you know when he first returned to the Cherokee Nation after he had been out during the war? A No, sir, I don't.

Q But the first time you say him was in 1866? A Yes, sir.

oooooooooo

Commissioner Beedles: The name of Robert Mayfield is not found upon the authenticated roll of 1880 nor the census roll of 1896. By reason of the facts mentioned in the testimony, final judgment will be suspended, and his name will be placed upon a doubtful card.

oooooooooo

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 11th of April, 1901.

M D Green

Notary Public.

they moved across [illegible] to Arkansas for a little while and they went back [illegible].

Q. Did they come [illegible] after the war? A They went to Ross County, [illegible] and lived there from that time till '68, and then I went to Texas, that is, members of our family, Jim Felrod and I stayed down there and knew them all along [illegible] That done till she came here and stayed a while and died; she lived there from '67 continuously till about '67 or '8.

Q. Have a home in Texas? A Yes, they had a home.

Q. Recognized citizen of Texas? A Yes, a cotton planter, had [illegible] 100 negroes.

Q. Husband and family lived there? A Yes, the old man and wife and one and three or four daughters.

Commissioner: They returned to the Cherokee Nation in '67 or '8?

A Yes, [illegible] was here in '67 or '8.

Q. Were they readmitted to Cherokee citizenship? A Along somewhere after 1880.

Q. Do you know Fannie West? A No, sir, I didn't know the negroes, there was too many to know.

.....

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 6th of September, 1901.

(signed) C. R. Breckinridge,
Commissioner.

.....

W. L. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

File with C. T. Dean

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 4, 1901.

In the matter of the application of Hannah West et al for enrollment as Cherokee freedmen

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Applicant not present;
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Proof of notice to applicant filed, notifying her that testimony will be taken September 4, 1901. Applicant fails to appear either by herself or attorney

MARK DEAN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A Mark Dean
Q What is your age? A 56.
Q Your postoffice? A Evansville, Arkansas.
Q You a Cherokee by blood? A Yes, sir.
Q Do you know Sallie Mayfield, who was formerly a citizen of the Cherokee Nation? A Yes sir.
Q Where did she live when you knew her first? A She lived in Flint District, Cherokee Nation.
Q What was her husband's name? A JesseMayfield.
Q Do you know whether or not she owned a colored woman by the name of Hannah West? A No, I don't know that.
Q Well, was Sallie Mayfield living in Flint District whenthe war came up? A No, sir.
Q Where was she? A She was living in Ruse County, Texas.
Q How long had she been gone from this country when the war broke out? A She left Flint district in about 1847.
Q Where did she go from Flint district; did she go direct to Texas? A Direct to Texas.
Q She never returned here then till after the war? A No, sir, excepting on visits.
Q Have a home in Texas? A Home in Texas.
Q Staying in Texas? A Staying in Texas.
Commissioner: Did she ever remove to the Cherokee Nation afterwards? A Yes, sir.
Q When? A She moved back in about '68 or 9.
Q Was she readmitted to Cherokee citizenship then? A I think she was.
Q Do you know a slave of here named Hannah? A I don't recollect.
Q You don't know then whether Hannah West was a slave of Sallie Mayfield or not? A No, sir.
Q You don't know anything about the returnof Hannah West then? A No, sir.

L.B.Bell, being duly sworn by Commissioner Needles, testified as follows:
Q What is your name? A L.B.Bell.
Q What is your age? A 62, nearly 63.
Q What is your postoffice? A Vinita.
Q Do you know Sallie Mayfield, who was once a citizen of the Cherokee Nation before the war? A Yes, sir.
Q When did you know her? A Well, I guess about as far back as I can recollect, known her nearly continuously from the time, say '45 or '46, up to when she died; there was a little skip in my seeing her from 1847 till '53.
Q Well, do you know where she lived after 1847? A Well in 1847 she lived up there in Flint District, Cherokee Nation, and the disturbance brought about here arising out of the treatyof 1835,

They moved across the line to Arkansas for a little while and then went back to Texas.
Q Did they come here after the war? A They went to Bass County, Texas, [illegible] and lived there from that time till '68, and then I went to Texas, that is, members of our family, him folks, and I stayed down there and knew them all along. Sro m that day till she came here and stayed a while and died; she lived there from '47 continuously till about '67 or '8.
Q Have a home in Texas? A Yes, they had a home.
Q Recognized citizen of Texas? A Who a cotton planter, had locomotives 75 or 100 negroes.
Q Husband and family lived there? A Yes, the old man and wife and son and three or four daughters.
Commissioner: They returned to the Cherokee Nation in '67 or '68
A Yes, He was here in '67 or '8.
Q Were they readmitted to Cherokee citizenship? A Along somewhere after 1880.
Q Do you know Hannah West? A No, sir, I didn't know the negroes, there was too many to know.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 6th of September, 1901.

(signed) C. R. Breckinridge,
Commissioner.

****

M. T. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M T Green

Subscribed and sworn to before me this September 9th, 1901.

Commissioner.

DEPARTMENT OF [illegible]
COMMISSION [illegible]
FILED
SEP 13 [illegible]

[illegible] Nation, C.N. 46.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes.
[illegible], September 9, 1901.

IN RE: [illegible] of the Cherokee Nation:

[illegible] In the Sarah West case, Sarah West and Robert Mayfield claim to belong to the same group, Ballit Mayfield, and we introduced some testimony yesterday of Mary Rose and L.D.Bell, in the Sarah West case, but, as the citizenship of the court of Sarah West, she and Martha Mayfield, and Ballit Mayfield are the same person, the same group, Robert Mayfield, and we want that the testimony of Mary Rose and L.D.Bell taken on yesterday be made a part of the record in the Robert Mayfield case.

O R D E R

Commissioner Needles: The order will be made.

Commissioner.

Arthur M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the above proceeding; and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 9th, 1901.

Commissioner.

Card. [illegible] Ch.e [illegible] Robert Mayfield, [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., September 8, 1896.

In the matter of the enrollment of Robert Mayfield for enrollment as a Cherokee Freedman;
W. J. Bounds, being sworn by Commissioner Needles, testified as follows:

Appearances:
Applicant, Robert Mayfield, in person.
W. W. Hastings, for the Cherokee Nation.

BY MR. HASTINGS:
Q What is your name? A W. J. Bounds.
Q What is your age? A 69.
Q What is your post-office? A Ft. Gibson.
Q Are you a citizen of the Cherokee nation? A Yes sir, by adoption.
Q When did you come to the Cherokee Nation? A Well I came here first in '66, went to Texas and came back in the '60s, well I got here on the first day of January, '66, from Texas.

BY COM'R NEEDLES:
Q That the first time you came to the Cherokee Nation? A Yes sir.
Q '66? A '66 I went through here.
Q Do you know the applicant, Robert Mayfield? A Yes sir.
Q Where did you first see him? A I seen him in Texas in Rusk County, in the summer of '67.
Q What was he doing there? A Well now I couldn't say what he was doing, I saw him at different times, I don't remember exactly.
Q Did he have a family? A I think not, sir. I never saw any family.
Q Well about what time in the year of '67 you saw him? A Well I saw him it was sometime in the middle of the summer before I remember seeing him, and then I saw him different times until along the latter late in the fall.
Q You don't know what he was doing? A No, I don't remember.
Q You know when he come to the Cherokee Nation? A Yes sir.
Q Well when did he come? A Well I can't say I know exactly to an hour, but I think he got here about the 10th or 11th day of January, '68.
Q Well tell about his coming on with you? A He started from Rusk County with Joe Thompson,
Q Joe L. Thompson? A Yes, I don't remember whether he had a middle name or not; he was carrying on a blacksmithshop, and he and John L. Adair we come out together and this man Mayfield drove Thompson's ox team through to Honey Springs, that's about 12 or 18 miles from here, across the river, and he froze out; it was very cold weather.

Com'r Needles: Was you along? A Yes sir, had my family.
Q Mr. Hastings: You know whether he had ever been up here before that or not? A I do not.
Q Had he said anything about being up here before? A Never heard him say anything about it.
Q You say he drove Thompson's team up? A Thompson's ox team.
Q And you left him behind somewhere? A 14 or 16 miles out here at Honey Springs, it was very cold weather and he couldn't come in and we got here the first, and he didn't come in here for ten days, or about that time, I think it was on the 11th he got in here.

Com'r: Mr. Mayfield, ~~xx xxxx~~ you want to ask the witness any questions? A No sir; yes, I will ask him some questions:

Mayfield, the applicant, examines witness:
Q You say you come up here the first time when? A Only time I ever came from Texas at that time was when I got here the first day of January, '66; I went though going south at that time here in '66, and went directly south ~~xxx~~ that is, south-west.

Q When you came to Texas did all came with you? A Came from Anadarko, Joe Thompson.
Q I came with Joe Thompson. A That's right, because you drove the cattle.
BY COM'R NEEDLES:
Q You went through here in '66 on going to Texas? A Yes sir, to west Texas.
BY APPLICANT, MR. MRS MAYFIELD:
Q You made a crop on the Mayfield place when? A '67, I went from west Texas to Mrs. Mayfield and got there about the 10th or 12th day of January, '67, and made a crop on her place.
Q Do you know who raised me? A No sir, I do not; all I know is time I met you that summer.
BY COM'R NEEDLES:
Q Did you know him before? A No sir.
Q You got acquainted with him down in Texas? A I got acquainted with him in the summer of '67 while I was on Mrs. Mayfield's place.
Q He had been the property of Mrs. Mayfield? A They called him Bob Mayfield, I don't know whether she raised him or not.
Q Did you know Sallie Mayfield? A Yes sir, I rented her place and lived on it one year.
Q He was with her there? A No sir, he wasn't with her at that time, because she came away from there, left there about the 20th of February, '67.

W.T.HARNAGE, being sworn and examined by Commissioner Needles testifies as follows, on behalf of the applicant:

BY COM'R NEEDLES:
Q What is your name? A W.T.Harnage.
Q What is your post-office? A Tahlequah.
Q What is your age, Mr. Harnage? A 53.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Do you know Robert Mayfield? A Yes sir.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A To my grandmother, Mrs.Mayfield.
Q Was he taken out of the Cherokee Nation during the war?
A No sir.
Q He was not? A No sir.
Q Before the war? A Before the war; he was in Texas when the war come up.
Q When did he return, do you know, to the Cherokee Nation? A No sir I don't know.
Q When did you first see him after the close of the war? A I never saw him- I don't recollect what time it was, but it was sometime after the close of the war.
Q Some years? A Yes sir, before I saw him here.
Com'r Needles of applicant: You want to ask him any questions Mr. Mayfield? A No sir.

BY MR. HASTINGS:
Q You say he belonged to Sallie Mayfield? A Yes sir.
Q Where did Sallie Mayfield live when you come up? A She lived in Rusk County, Texas.
Q Was she a citizen of the state of Texas at that time? A Yes sir.
Q How long had she lived in Texas prior to the war? A That's farther back than I can recollect; she was there at my first recollection.
Q From what you know how long did she live there, that is, she may have lived there 15 or 20 years or do you know she lived there as much as 4 or 5 or 6 years? A She lived there longer than that to my certain knowledge, 15 years.
BY COM'R NEEDLES:
Q Before the war? A Yes sir.

Recorded testimony and [illegible]

[illegible]

Q. Living there [illegible] A Yes sir.

[illegible]

Q. Did she live [illegible] A I don't know sir, they say she died, I don't remember.

Q. Your first recollection of [illegible] was living in Tamaroff A Yes sir

Q. Did she return to the Durant Nation after the war? A Yes sir

Q. Was she recognized [illegible] citizenship? A Yes sir.

[illegible]

N.D. Green, being first duly sworn, states that a stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this September 5, 1901.

[illegible]

Commissioner.

FEB 11 1901
LIBRARY
COMMISSION TO THE LIQUIDATION OF THE
DEPARTMENT OF THE INTERIOR

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 8, 1901.

In the matter of the application of Robert Mayfield et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant.

Appearances:
Applicant present in person;
L. B. Bell, of counsel for Cherokee Nation.

Wilson Gordery, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Wilson Gordery.
Q How old are you, Mr. Gordery? A About 41 or 42. 42.
Q What is your postoffice address? A My postoffice is Tahlequa.
Q Is that in the Cherokee Nation? A Yes, sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Are you acquainted with Thomas Mayfield? A I am acquainted with this here man here, I have been a good while, him and old Jess Mayfield.
Q Do you know Robert Mayfield? A Yes, sir.
Q How long have you known him? A I have known him ever since '66.
Q He claims to be a Cherokee freedman? A Yes, sir.
Q Did he leave the Cherokee Nation during the war? A No sir he left it before the war.
Q Where did he go to? A Went to Texas.
Q How long did he remain there? A I don't recollect exactly how long they stayed in Texas, they went in there though, they were out in Texas several years, they moved out in Texas.
Q Do you know when he returned to the Cherokee Nation? A Returned here in '66.
Q What time in '66? A About a week before Christmas, maybe a little over a week, I can't exactly recollect the time before Christmas.
Q Who was Robert Mayfield's owner? A Jess Mayfield.
Q Is Jess Mayfield a Cherokee Indian? A No, sir, his wife was.
Q Do you know who he came to the Cherokee Nation with? A No, sir, I don't know who he came with.
Q Where did he locate when he came here? A Down here in the bottom where I first saw him.
Q Near Fort Gibson? A Yes sir.
Q Has he lived here continuously since that time? A Yes, sir, ever since that time he has been here.
By L. B. Bell, Cherokee attorney: How many Jess Mayfields was there in this country? A There was two, old Jess and young Jess.
Q Which one of the Mayfield's did he go to Texas with? A The old man, old Jess.
Q Where did he live, the old man? A He lived up here close to the line this side of Evansville when he moved away from here.
Q He left here about '46 or '7? A Yes, sir, I think about that time.
Q 10 or 12 or 15 years before the war? A Well he left here in about '47 or '8, I can't recollect the time he left, but left about that time.
Q Where were you living at the time he left? A I was living up there close to him.
Q Well he left here just about the time of the disturbance what they called the Starr boys killing? A Yes, sir, that is when he left here.
Q That was the time old man Jim Starr was killed? A Yes, sir. old man Mayfield's wife was them Starr boys aunt, and old man Starr

[illegible]

[illegible]

[illegible]

Cherokee Freedmen D 68.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert Mayfield for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on April 10, 1901, Robert Mayfield appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 4, 1901, September 5, 1901, and September 9, 1901.

The evidence shows that Robert Mayfield was the slave of a Cherokee citizen and resided in the Cherokee Nation until the year 1847, when he was taken to Texas by his owner, and that he did not return to the Cherokee Nation until January, 1868. It further appears that the applicant's name is not found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application of Robert Mayfield for enrollment as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

I. R. Buckingham
Commissioner.

W E Haney
Commissioner.

Dated at Muskogee, I. T.,

this _____ 1904

FEB 20 1901
REED
CONVERSION TO THE LAFOLLAND'S (BRIL.
DEPARTMENTS OF THE MACHINE

AFFIDAVIT

UNITED STATES OF AMERICA
INDIAN TERRITORY
NORTHERN DISTRICT

In the matter of the application of [illegible]
[illegible] for enrollment as a citizen of the Choctaw Nation.

[illegible] of lawful age being duly sworn on oath states that on the [illegible] day of [illegible] he did cause to be registered in [illegible] addressed to [illegible] Indian Territory, a true copy of which is attached to this affidavit and he hereto attaches the receipt of the Postmaster at [illegible] Indian Territory and that on the [illegible] day of [illegible] 1901, he received the return card which is hereto attached, signed by the said [illegible] showing that he had received said notice.

[illegible]

Subscribed and sworn to before me on this the [illegible] day of [illegible] A. D. 1901.

[illegible]
Notary Public.

(Seal)

[illegible]

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of

Attorney for applicant

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A D 1901

Subscribed and sworn to before me this day of A D 1901

NOTICE!

[illegible] Robert [illegible]

[illegible]

[illegible] Robert [illegible] Port Gibson [illegible]

[illegible] Indian Territory, on the following dates to wit: September 11th 1902.

A. D. that during the usual business hours of said Commission on the respective days above named for the taking of testimony both pro and against applicants for enrollment as Cherokee freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 27th day of August [illegible]

[illegible]

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

NOTICE!

Robert Mayfield

Case No. 247

To Robert Mayfield

Vinita

Indian Territory, on the following dates, viz: May 20th and 21st

A. D. 1901, during the usual business hours of said day, at the office of the Commission for the taking of testimony, then and there to proceed to take testimony in the case of the Cherokee Nation.

In testimony whereof, the undersigned Commissioners of the Cherokee Nation have hereunto set their hands on this 12th day of May 1901.

T. B. Bell
W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

United States of Americ
Indian Territory,
Northern District

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901.

Subscribed and sworn to before me this day of 1901

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

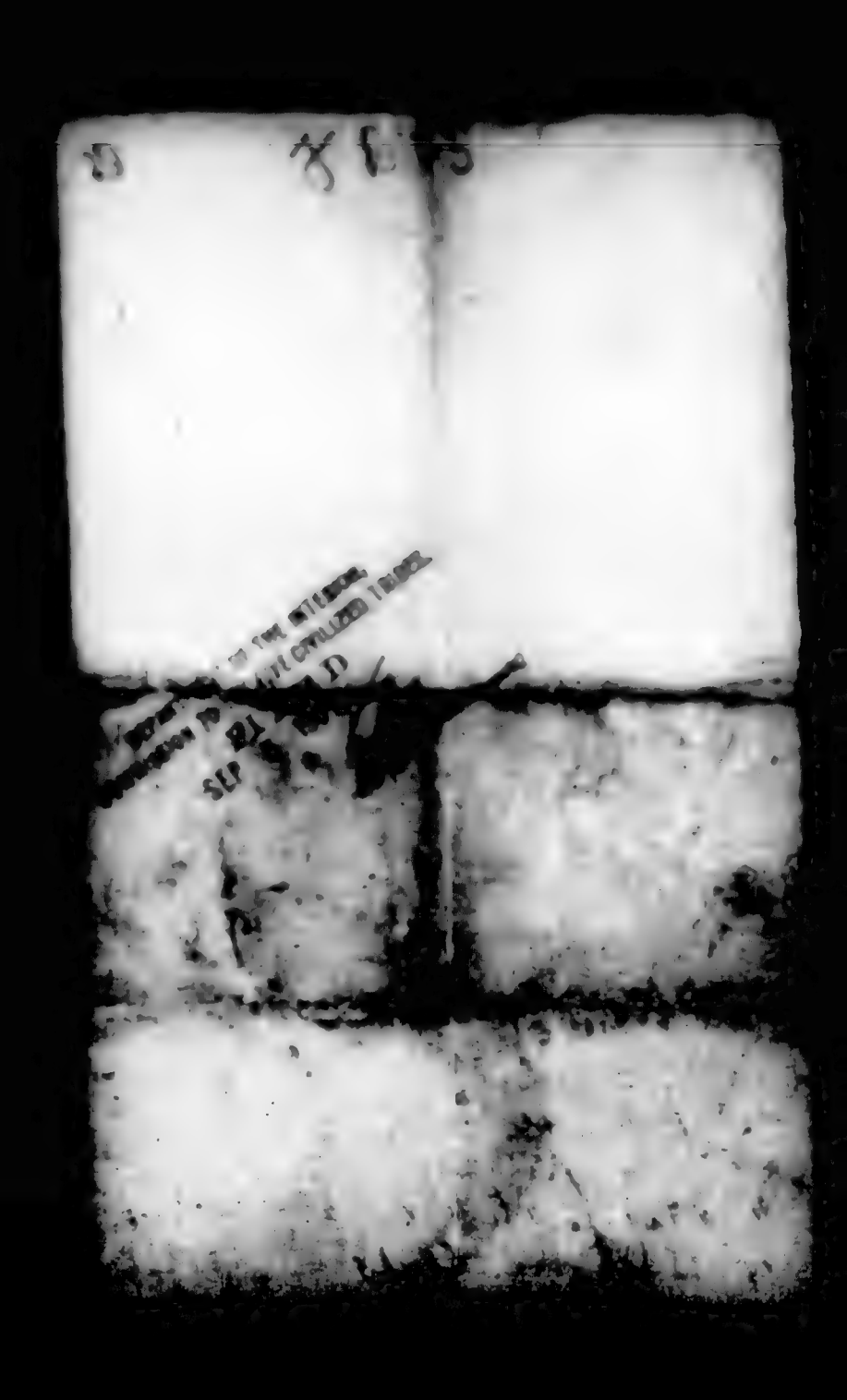
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Robert Mayfield,
Fort Gibson, I.T.
CherokeeF-D-45
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.



12-25

~~[illegible]~~

Cherokee Nation

I J M Fisher a minister of the gospel do hereby certify that on the 25th day of December 1898 I did solemnize the rights of matrimony between Robert Mayfield of Col & Mariah Grant of Col

Given under my hand this 25th day of Dec 1898

J M Fisher
A minister of the gospel

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
APR 1 1901

CHEROKEE FREEDMEN

Date: Nov 11 1907

Description: Freedman

Number: 111

1. Name: Robert Mayfield Age: 68

Owner's name: Lillie Mayfield Citizenship: Cherokee

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents

Father Citizenship

Mother Citizenship

Names of Children

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Self Stenographer Jones B. C.

Dawes

[illegible]

Cherokee Freedmen
Enrl.

Muskogee, Indian Territory, May 9, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Robert Mayfield as a Cherokee freedman, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-107.

[illegible]

Commission to the Five Civilized Tribes
D-106.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application for the enrollment of Robert Mayfield as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Dixby.

Enc. D-106.

Chairman.

Cherokee Freedmen
Enr.

Muskogee, Indian Territory, May 9, 1904.

Robert Mayfield,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated March 8, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Chairman.

Register

Enc. D-103.

[illegible]

Department of the Interior,

Office of Indian Affairs,

Washington, [illegible]

[illegible]

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith a report from the Commissioner to the Five Civilized Tribes, dated May 5, 1904, transmitting the record of the application of Robert Mayfield for enrollment as a Cherokee freedman, March 5, 1904, in which Commission found that the claimant was not entitled to enrollment.

The evidence shows that the claimant was the slave of a Cherokee citizen who, taking this claimant and her effects, left the Cherokee Nation in 1857, removed to and became a citizen of the State of Texas, and was not reinstated to citizenship in the Cherokee Nation until the year 1880.

It is also shown that this claimant did not return to the Cherokee Nation on or before February 11, 1867.

The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

M.M.M. A. C. Tonner, Acting Commissioner.

[illegible]

[illegible]

[illegible]

[illegible]

Commissioner to the Five Civilized Tribes,

[illegible], Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application of [illegible] Mayfield for enrollment as a Choctaw freedman, including your decision of March 8, 1904, rejecting said application.

Reporting in the matter May 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
Dockt

Muskogee, Indian Territory, June 2, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 8, 1904, rejecting the application for the enrollment of Robert Mayfield as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 26, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
Enl.

Muskogee, Indian Territory, June 1, 1904.

Robert Mayfield,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 8, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

REGISTERED
APR 4 190[illegible]
FT. GIBSON, I. T.

MAR 11 1903
MUSKOGEE, IN[illegible]

[illegible] to be sent
MUSKOGEE, IND. T.
OFFICIAL BUSINESS
Penalty for private use, [illegible]

7/8

Mr. Robert Mayfield, (Col)
~~Fort Gibson~~, Indian Territory.

RETURNED TO WRITER

Adair.

partment of the Interior.
Superintendent of the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Mayfield
Rec'd 11 1903

Fort Gibson, Indian Territory.

Department of the Interior

MAY 5 1

REGISTERED

Robert Mayfield,

Fort Gibson, Indian Territory.

Relinquishment

Martin

Chem Fnl R. 355

Chem. Fn. R. 355

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 21, 1902.

In the matter of the application of Fannie Vann for enrollment as a Cherokee Freedman, one Lelar Owens, sworn and examined by Thomas Gilmore U. S. Commissioner, testified as follows:

Q What is your name? A Fannie Vann.
Q How old are you? A About 47, I guess.
Q What is your postoffice address? A Fort Gibson.
Q What district do you live in? A Illinois.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I don't know sir.
Q Is your name on the rolls of the Cherokee Nation? A I couldn't tell.
Q Who do you apply for besides yourself? A Just myself.
Q Are you married? A Yes sir.
Q What is your husband's name? A Manuel Vann.
Q Is He living? A Yes sir.
Q Is he a Cherokee Freedman? A Yes sir.
Q Has he been enrolled? A Yes sir.
Q Why didn't he enroll you when he enrolled himself? A I don't know sir
Q What is your father's name? A Sam Brewer.
Q Is he living? A Yes sir.
Q What is your mother's name? A My mother's name is Sallie Brewer.
Q She living? A No sir.
Q You always lived in the Cherokee Nation? A No sir, I have been out.
Q Where have you been? A Been down in the Chickasaw Nation.
Q How long did you live down there? A I couldn't tell; I stayed down there a while though.
Q About how long? A I don't know sir; I was small then.
Q Was you a born slave? A Yes sir.
Q What was your owner's name? A My owner was the Brewers.
Q Did they take you out of the Cherokee Nation during the war?
A Yes sir.
Q You know when you came back? A I don't know exactly what year; I have been here about 12 or 13.
Q Where did you live before that? A Down in the Chickasaw.
Q Chickasaw Nation? A Yes sir.
Q I understand you to say you lived in the Chickasaw Nation from the time you were taken out until about 12 or 13 years ago? A Yes sir.
Q Where were you married? A I was married right here in Fort Gibson.
Q You have been married before? A Yes sir.
Q What was your first husband's name? A He was a Blue.
Q Where did he live? A He lived down there in the Chickasaw Nation.
Q Were you ever married before you married Blue ? A No sir.
Q Blue and Vann were the only people you married? A Yes sir.
Q You don't know whether your name is on the 1880 roll or not?
A I don't know.
Q Did you draw money from the Cherokee Nation? A No sir.
Q Did you ever apply? A Yes sir, I applied, but I never drawed any.

The tribal rolls of the Freedmen of the Cherokee Nation have been examined and the name of the applicant not found thereon.

Q Have you got any witnesses? A Yes sir, Mr. Brewer.can witness as far as he knows about me.
Q You were born in the Cherokee Nation? A Yes sir, he can witness that.

D. P. F.

Q Then I understand you to answer that you were born in the Cherokee Nation, that you were a slave and that you belonged to the Brewer family? A Yes sir.
Q And that you were taken out during the war to the Chickasaw Nation? A Yes sir.
Q And stayed there until about thirteen years ago? A Yes, I guess about that long.
Q And came back home? A Yes sir.
Q Been living here ever since? A Yes sir.

William Brewer, being sworn and examined by Commissioner T. P. Beedles, testified as follows:
Q What is your name? A William Brewer.
Q What is your age? A About 64.
Q You are a Cherokee citizen by blood? A Yes sir.
Q What is your postoffice? A Fort Gibson.
Q You know this applicant, Fannie Vann? A Yes sir; I don't know her by that name, I know the girl though.
Q Please tell what you know about her? A She was a slave belonging to my father; when we went south he carried her along and she stayed back with his and she came, I reckon, sixty miles, and we started back about '65, then there was an old woman had a lot of children and begged her and Susie Brewer, Sam's children, back and they went back there and stayed about until 12 or 13 years ago. Old Sam come here in '66, but he didn't stay long and went back.
Q She was a slave? A Yes sir.
Q And born a slave? A Yes sir.
Q And went out during the war? A Yes sir.
Q But never got back to the Cherokee Nation until about 12 or 13 years ago? A About 12 or 13 years ago.
Q You didn't get farther south that the Chickasaw Nation? A No sir.
Q You know about how old she is? A She must be near forty.
Q She was past 21 years of age before she come back here? A I guess so; she was a girl 10 or 12 years old when we left them.

Commissioner—

The name of Fannie Vann is not found upon any of the rolls of the Cherokee Nation; she avers her maiden name was Brewer and that she was a slave belonging to the Brewer family, born slave, and was taken to the Chickasaw Nation during the war and remained there until 12 or 13 years ago. Her testimony substantiated by Mr. Brewer, who was the owner. She also avers that she is now married to one Manuel Vann. By reason of the fact that her name is not upon the rolls of the Cherokee Nation, and the further facts as stated in the testimony, her name will be placed upon a dubtful card for further consideration.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. J. Rothenberger

Subscribed and sworn to before me this 24th day of April, 1901.

T. P. Beedles
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Fannie Vann as a Cherokee freedman.

DECISION.

The record in this case shows that on April 28, 1901, Fannie Vann appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a Cherokee freedman.

The evidence shows that the said Fannie Vann was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during said war she was taken out of the Cherokee Nation and did not return thereto until sometime after the year 1880. The name of the applicant herein is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Fannie Vann as a Cherokee freedman should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, I.T.
this APR 30 1904.

Commissioner.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Fannie Vann,

Ft. Gibson, I.T.

Send Receipt to Cherokee Div.
Cher. F-D-155
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

NOTICE!

In the matter of the application of [redacted] for enrollment as a Choctaw Freedman.

Case No. [redacted]

To [redacted]

You are hereby notified that the Choctaw Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Choctaw Nation tending to disprove your rights to be enrolled as a Choctaw Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of [redacted]

Indian Territory, on the following dates, to-wit: [redacted]

[redacted] A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Choctaw Freedmen.

In witness whereof, the undersigned representatives of the Choctaw Nation have hereunto set their hands this [redacted] day of [redacted] 1901.

Bell Hastings & Dawson

Attorneys for the Choctaw Nation.

United States of America,
Indian Territory,
Northern District. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to Fannie Vann on the 27th day of April A. D. 1901.

W. B. Wigley

Subscribed and sworn to before me this 28 day of April 1901.

[redacted]

Marshal for the Choctaw

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 23 1901

[illegible]

CHEROKEE FREEDMEN

Date [illegible]
Post Office [illegible]
Choctaw [illegible]

1. Name _____ Age _____
Citizen of _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents
Father _____ Citizenship _____
Mother _____ Citizenship _____

Doubtful

2. Name of wife Fannie Vann Age 47
Citizen name Brown Citizenship Choctaw
Year _____ Page _____ No. _____ District _____
Parents
Father Sam Brown living Citizenship _____
Mother Sallie " " dead Citizenship _____

Names of Children

3. _____ Year _____ Page _____ No. _____ Dist. _____
4. _____ Year _____ Page _____ No. _____ Dist. _____
5. _____ Year _____ Page _____ No. _____ Dist. _____
6. _____ Year _____ Page _____ No. _____ Dist. _____
7. _____ Year _____ Page _____ No. _____ Dist. _____
8. _____ Year _____ Page _____ No. _____ Dist. _____
9. _____ Year _____ Page _____ No. _____ Dist. _____
10. _____ Year _____ Page _____ No. _____ Dist. _____
11. _____ Year _____ Page _____ No. _____ Dist. _____
12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by Fannie Vann Stenographer E. E. Rittenburger

Cherokee Freedmen
D-116.

Muskogee, Indian Territory, May 3, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Fannie Vann as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-116.

Cherokee Freedmen
D-115.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated April 20, 1904, rejecting the application for the enrollment of Fannie Vann as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. D-115.

Cherokee Freedmen
D-114.

Muskogee, Indian Territory, May 3, 1904.

Fannie Vann,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Register

Enc. D-114.

[illegible]

[illegible]

Department of the Interior,
Office of Indian Affairs,
Washington, [illegible] 1906.

The Honorable,
The Secretary of the Interior:

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated May 3, 1906, transmitting the record of the application of Fannie Ham for enrollment as a Cherokee freedman. April 20, 1906, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman. The evidence shows that the said Fannie Ham was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the war she was taken out of the Cherokee Nation, that she was taken to the Chickasaw Nation and remained in that nation until after the year 1868, when she returned to the Cherokee Nation.

Attention is invited to the opinion of the Assistant Attorney General for the Interior Department, of April 16, 1904, I.T.D. 244-1904, wherein he says:

"The phrase who were in the country at the commencement of the rebellion and are now residents therein, or who may return within six months, must have reference to the Cherokee country and not extend to what was known as the Indian Territory."

The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

In view of Mr. [illegible] and of the Assistant Attorney General's opinion, the [illegible] of the Commissioner's decision [illegible] to the applicant is rescinded.

Very respectfully,

A. C. Tupper,

Acting Commissioner.

[illegible]

[illegible]

Department of the Interior,

[illegible] Washington, May [illegible], 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Fannie Vann as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application.

Reporting May 14, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Concurring in said recommendation, the Department hereby affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-186.

Muskogee, Indian Territory, May 31, 1904.

Fannie Vann,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 20, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-138.

Muskogee, Indian Territory, May 31, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Fannie Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 20, 1904.

Respectfully,

Chairman.

Chem Fil R-307

Chemistry

[illegible] OF THE [illegible]
[illegible] BY THE FIVE CIVILIZED TRIBES,
[illegible] T., JANUARY 21, 1896

In the matter of the application of Ed Williams for the enrollment of himself as a Cherokee freedman, said Williams being duly sworn testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Ed Williams.
Q How old are you? A I don't know for certain, but I guess I am about 36, 37 years old.
Q What is your post office address? A Melvin.
Q Is that in the Cherokee Nation? A Yes, sir.
Q What District? A Tahlequah.
Q Do you make application to be enrolled as a Cherokee freedman? A Yes, sir.
Q Do you apply for anyone besides yourself, have you any children? A No, children, got a wife.
Q Is she a state woman? A She is a citizen.
Q Do you apply for her or has she been enrolled? A She has been enrolled.
Q Then you just apply for yourself? A Yes, sir.
Q What was the name of your father? A Pomp Williams.
Q Is he living? A No, sir, he died when I was a baby.
Q Was he a Cherokee freedman? A Yes, sir.
Q What is the name of your mother? A Charriot Quinton.
Q Is she living? A No, sir.
Q Is she a Cherokee freedman or state woman? A Yes, sir, she is a Cherokee freedman.
Q Were you born a slave? A I don't know, I couldn't say I was.
Q Whom did your father belong to? A Belonged to Zeke Williams.
Q Did your mother belong to Zeke Williams? A No, sir, belonged to Lida Quinton.
Q Are they both citizens? A Zeke Williams was a white man but his wife was a Cherokee.
Q What was her name? A I don't know.
Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes, sir.
Q Is your name on any of the rolls? A Yes, sir.
Q Where were you born? A Flint district.
Q How long did you live there? A I lived there until I was a small boy.
Q Then where did you go to? A I got with an old man and he took me off around in the country.
Q Outside of the Territory? A Yes, sir, sometimes.
Q Did you go to Texas? A No, sir, was in Missouri.
Q How long did you live in Missouri? A I could not tell you I was small; since I have been large I have been in the Territory more or less all the time.
Q Now, since you can remember where have you lived, Cherokee Nation or Missouri? A In the Cherokee Nation most of the time; in the Osage Nation and in the Creek Nation.
Q How long in Missouri? A We didn't stay there but about a year and a half.
Q How long ago was that? A I was a small boy, I couldn't tell you.
Q Where were you living four years ago? A I don't know, I ain't been out of the Cherokee Nation unless I was in the Creek Nation.
Q Is your name on the roll of 1880? A I don't know, sir.

The 1880 Authenticated Roll, the 1896 Census Roll and the Wallace Roll of Cherokee Freedmen examined and name of applicant not found thereon.

The Sara Clifton Roll of Cherokee Freedmen examined and applicant's name found thereon, page 140, field, Ed Williams, Illinois district, 20 years of age.

BY E. W. WISNER, ATTORNEY FOR APPLICANT:

Q When that old man took you up to Missouri what did he take you up there for? A Why that to nurse his children; I was just a small boy.
Q You always claimed the Cherokee Nation as your home.

Mr. W. W. Hastings, Cherokee Representative:
Objected to by the Cherokee Nation because the question is clearly leading and the applicant should state the facts and let the Commission draw the conclusion as to what was his home.

A Yes, sir.
Q You served him as nurse you say? A Yes, sir.
Q And you stayed up there how long? A I don't know how long we stayed he had a lot of cattle.
Q A year, six months? A I guess I was there a year, or may be more.
Q After you got through your service with you you returned to the Cherokee Nation? A Yes, sir. We came back, traveled about from one place to another.
Q What was the name of your master, I believe you have given it?
A Yes, sir.
Q Your father's name was Pomp Williams? A Yes, sir.
Q And belonged to Zeke Williams? A Yes, sir.
Q Was eke Williams a Cherokee citizen? A Yes, sir.
MR. HASTINGS: How do you know these facts? A Yes, sir.
Q You know them yourself? A Yes, sir, they can be proved.
Q Well, do you know them? A Yes, sir, they can't be denied.
Q You say you are 36 or 37 years old? A I think I am along about that age, I don't know my age precisely.
Q How old were you when the war came up? A I don't know anything about that, you can tell more about that than I can.
Q You don't know then do you? A I can't read and write myself.
Q You were born how long before the war? A I don't say I was born before the war, you can figure back and tell more about that than I can.
Q Do you remember the war? A Don't know a bit more about it than a cat.
Q Well, you were born since the war? A Well, I guess I must have been according to my age.
Q Well, then, how could you swear things that happened before you were born? A No, you could not either.
Q You have sworn under oath upon your own personal knowledge who your father belonged to before the war? A That is what they always teached me.
Q Well, then, you don't know it yourself, of your own personal knowledge? A Of course elder people -
Q Well, did you it of your own personal knowledge, you can answer that yes or no? A No child can
COMMISSION: Just say yes or no? A No, I can't tell.
Q Mr. Hastings: You don't know who your father belonged to?
A she belonged to Lida Quinton.
Q Did you know that before you were born? A No, sir. But that

to what the old folks teach me.
Q When you were first old enough to remember where were you living now, in what country tell me? A I was living in the Cherokee Nation.
Q When you were first old enough to remember? A Yes, sir.
Q Where was that, when you were first old enough to remember?
A I was living with old Aunt Lida Quinton part of the time.
Q Where was that? A I was small, then and boy about the age I was could not say just precisely.
Q Was that in North Carolina or was it in Texas? A No, sir, it was in the Territory.
Q In what district? A I think we lived in Flint.
Q What was your town? A Could not tell nothing about that, you know a child could not tell anything about a whole lot of foolishness like that.
Q Did Mrs. Quinton have a family? A Yes, sir. There were several of them about there.
Q Well, what was her families, children's names? A I could not tell you that.
Q You don't know that? A I could not tell you.
Q Well, did she have some children? A I could not say that, I was not old enough to remember.
Q Did she have a husband? A Yes, sir, she had a husband.
Q What was her husband's name? A I don't recollect it just now, I know it to hear it called, I forget it. I think thought it was Mose Quinton.
Q You are not certain about that? A I ain't positive, but I think it was.
Q About how old were you when you left the Quintons? A I don't know precisely, Mr. Hastings, how old I was, I was small.
Q Well, your best judgment as to your age? A I could not say.
Q Well, were you twenty years old? A No, sir.
Q Were you as much as ten? A I don't know I wasn't that old.
Q Were you as much as five? A I was a small boy, I was about that high (indicating)
Q About as hight as this table? A I don't know.
Q Haven't you any idea at all as to your age when you left there?
A No, sir, I could not say.
Q Well, do you think you were as old as five, three, your best judgment? A I could not say anything about that, Mr. Hastings, for I don't know.
Q You don't know whether you were older than three or not?
A I was older than three years I know.
Q Well, were you more than five? A I must have been anyhow five or six years old, I was old enough to play with little children.
Q Who are these two witnesses you have got here? A John Irons and Lewis Sanders, you know them as good as you know yourself
Q Where did you first see John Irons? A In the Cherokee Nation.
Q Where was it? A I don't know.
Q Do you remember where you got acquainted with him? A No, sir,
Q.How old were you when you got acquainted with him? A I don't know.
Q Were you grown? A I might have been something near grown, I could not say I was just staying around in the country.
Q Well, in what district did you get acquainted with him?
A Around in Tahlequah district.
Q That was since your return to Tahlequah district that you got acquainted with him? (No response.)
Q Is that so? (No response.)
COMMISSION: Answer his question.
MR. WISDOM: Was it before or since? A It was since I come back.

MR. HASTINGS: Are the older witness when did you get acquainted with him? A Here at home.
Q Well, how long ago? A Well, I could not say more than 12 or 14 years ago.
Q Ever in Tahlequah district? A Times we have been together.
Q Where you got grown? A Well, about grown.
Q Who took you out of the Cherokee Nation first?
A Old man McGill Hardin.
Q A white man? A Yes, sir, he was a white man.
Q Your mother married them? A Yes, sir.
Q Who were any of Quinton's neighbors up there you know?
A I don't know, I wasn't old enough to remember them.
Q What sort of houses did Quinton's live in, was it a frame house or log house? A I was too little to remember that.
Q You don't know whether they had a spring or well do you? (Noresponse.)
COMMISSION: Do you know, can you answer his question? (No response.)
MR. WISDOM: Do you know whether he had a spring or well?
A I think he had a spring.
MR. HASTINGS: Well, do you know? A As well as I can recollect I think he did.
Q Did he have a field? A Yes, sir.
Q Large or small? A Small field.
Q Well, you went to Missouri did you Ed? A Yes, sir
Q Now, what town in Missouri or near what place did you go?
A Well, we didn't stay out there long.
Q Well, I want to know near what town you went? (No response.)
MR. WISDOM: If you know tell him, if you don't say so?
A I think it was near Mt. Vernon.
MR. HASTINGS: Now, how long did you live in the neighborhood of Mt. Vernon? A I could not say.
Q You don't know what year you went up there?
A No, sir, I can't read and write and don't know the dates.
Q Well, now, where did you go from Mt. Vernon, what neighborhood or country? A Came back to Vinita.
Q Who did you live with at Vinita? A Just traveled around, I Stated with old man Hardin.
Q Did he have a house in Vinita he lived in? A He had a house part of the time.
Q His own or somebody else'? A I could not tell you.
Q There was a town up there A Yes, sir.
Q How long did you stay there? A ~~Yes~~, ~~xxx~~.I don't know.
Q Did you stay there ten days? A Yes.
Q Now, what we want, Ed, is your best judgment, as to how long you stayed in Vinita? A You want the truth I guess.
Q That is what we want? A I don't know.
Q Did you stay there a year? A I don't know.
Q Did you stay there as much as six months? A We stayed there a good while, off and on.
Q Well, what is your best judgment as to how long you stayed? (No response.)
Q You haven't got any judgment about that? A No.
Q Well, did you stay there as much as two years? A Yes, sir, often and on, maybe longer.
Q Where did you go from Vinita? A I don't know, we went around a good deal, I could not tell you all the places we went to.
Q Well, where did you go to from Vinita to settle any length of time? A I don't know where; he was a horsetrader and dealer ~~x~~ in cattle.
Q I want to know where you went to from Vinita? A I don't know.
Q Can't you tell? A I don't know, I know we went South and got several bunches of cattle.

Q Where did you go South to get them? A We went down as far as Dallas, Polk County.
Q Then where did you go with your cattle? A We took them out east of Ft in the Osage Nation.
Q Well, how long did you stay out there? A That is another thing I can't tell, we stayed there several summers and several winters.
Q How long did you live in Arkansas? A I could not tell you that. we got them in Arkansas.
Q You got some cattle in Arkansas? A Yes, sir.
Q You testified that you were in Arkansas in 1900 when you came before the Dawes-Clifton Commission? A No, sir.
Q Didn't you swear that you had been out there four or five years? A No, sir.
Q Out and in? A No, sir, I don't think I did.
Q You had Mrs. Sarah Tackett as a witness? A Yes, sir, and uncle Aaron Anderson, I think he used to live with her.
Q Uncle Aaron? A Yes, sir.
Q How long have you been back here this last time?
A Well, I ain't been particular no where.
Q Where do you live now? A I live in Tahlequah district.
Q At Melvin? A Yes, sir.
Q Now, how long have you been actually residing there? A I have been actually residing there ever since I married.
Q When were you married? A I bought a place there before I married and after I married I have been living on it.
Q You are living there now? A Yes, sir.
Q It is yours is it? A Yes, sir.
Q When did you buy it? A When you run for Senate I voted for you.
Q I never run for Senate? A Yes, you did and you know it.
Q When did you marry over there? A I don't know, I got married, I got the papers here in my pocket.
Q I want to see them? A I have got them here; I can show them, right in my pocket
Q Well, this record ere shows that you were married January 28, 1898, four years ago? A I guess so.
Q Well, now, how long did you live there, Ed, when you married?
A Live where, same place I live now?
Q Yes, right in that vicinity or neighborhood? A I don't know just exact.
Q Wel , how long had you been down there when you married, near Melvin? A I don't know just how long.
Q Well, about how long; your best judgment? A I had been there about a good while, I could not say just how long.
Q Well, had you been there a year when you married? A To Melvin?
Q Yes? A Been there year, let me see, was married, you say it was in 1898; yes, I had been there long time seems like I stayed with Martha Crittenden four or five years and Zeke Crittenden.
Q Well, where did you go from when you come to Melvin? A Was just working around in the country.
Q Well, what country? A Cherokee Nation.
Q What district, near what town? A Didn't stay near any town, I just worked around, I was just anywhere I could get a job of work to do.

MR. HASTINGS: Comes now the representatives of the Cherokee Nation and pleads to the Commission that he has physically exhausted himself attempting to get the residence of this applicant, and asks the Commission to use its endeavors to get the best residence of the applicant on record.

COMMISSIONER: Now, Ed, when you came to Vinita, that is the first place you came to, now answer the question. Where did you come to when you left Missouri? A I was a small boy.
Q Well, now, answer the question to the best of your knowledge?
A I think we went to the Osage Nation
Q From Missouri you went to the Osage Nation? A Yes, sir
Q And from the Osage Nation where did you go?
A Went to Vinita.
Q When you came to Vinita how old were you, how big a boy were you? A Oh, small boy.
Q About how high were you, were you as much as ten or 12 years old? A Yes, sir, I guess so.
Q Well, how long did you stay at Vinita before you went away from there, how many summers and how many winters were you there?
A We was there off and on, a boy didn't pay attention like a man.
Q Do you think you stayed there as much as three summers?
A Yes, sir, I think I did.
Q When you left there where did you go to? A We went south three winters.
Q What do you mean by the South? A Been in Arkansas.
Q And you stayed there three winters? A Several winters.
Q Well, do you think that was as much as three winters?
A And got cattle and went to the Osage Nation.
Q How long did you stay in the Osage Nation, how long did you feed your cattle out there, or put them on the range? A I don't know.
Q Do you think it was two or three years? A I spect it was.
Q Well, now, what do you mean when you say you "spect it was"?
A I guess it was eight or nine years, may been; I was just a boy.
Q You were a boy when you went to Vinita, ten or twelve years old, and you went to Arkansas and stayed possibly three years and went to the Osage Nation and stayed eight or ten years; you were a man 24 or 25 years old; now where did you go when you left the Osage Nation the last time? A To the Cherokee Nation.
Q Where? A Here.
Q Near what town; you were a grown man at that time, you certainly can remember where you went to? A Near Tahlequah.
Q And have you lived there continuously since that time? A Yes, sir; I have.
Q How often have you been out? A I haven't been out.
Q Have you been ~~continuously~~ out of the Cherokee Nation or Territory since you came from the Osage Nation? A Of course I ain't been out of the Cherokee Nation for the last ten or twelve, fifteen years.
Q You are positive of that are you? A No, sir.
Q Well, now, what do you mean to say, that you left the Cherokee Naton in the last ten or twelve years? A No, sir, I ain't been out, I have been at home.
Q Now, in that last ten or twelve years have you always lived in the Vicinity of Melvin and Tahlequah? A Yes, sir, in both places.
Q Now, have you always lived at Melvin since you have been married?
A Yes, sir.
Q And how long were you liing there before you were married?
(No response.)
Q Did you meet your wife over there? A What is it?
Q Did you meet your wife at Melvin, when you first knew her?
A She lived with her father down here at Gibson.
Q And how long did you know her before you married her?
A Since eight years maybe new.
Q From the time you first learned to know your wife have you always lived ever there in the Cherokee Nation? A Yes, sir
Q And you have been living there ever since you married?
A Yes, sir.

MR. MATTHEWS: Why didn't you apply to the Commission when it was at Fort Gibson last April? A: I went down there to apply and I used Uncle George Hufreedom as a witness and I met Uncle George going home and his folks was all sick and he could not come.
Q: Why didn't you apply over there the last time, September?
A: We was still sick and I had to come to Tahlequah, I have a letter from him right here, he promised to meet me here Tuesday.

JOHN IRONS, being duly sworn and examined testified as follows on part of applicant:

COMMISSION: What is your name? A: John Irons.
Q: How old are you, John? A: I am about 45 or 46.
Q: What is your post office address? A: Melvin.
Q: Do you know Ed Williams? A: Yes, sir.
Q: How long have you known him? A: Been knowing him about ten or twelve years.
Q: Did you know his parents? A: No, sir.
Q: Didn't know his father or mother? A: No, sir.
Q: Where has he been living since you knew him? A: He has been living first one place and another, lived with me a while.
Q: Where did you live? A: I live there close to Melvin.
Q: How long did he live with you? A: He stayed with me about a year, right there in the neighborhood.
Q: Near what town did you first meet him, where was he living when you first met him? A: I knowed him before he moved there.
Q: Where was he living before he moved there? A: In Goingsnake district.
Q: Well, now, how long after that was it before he came into your neighborhood? A: I suppose it was the first year I got acquainted with him.
Q: He came there about a year after you got acquainted with him?
A: No, sir, after I ga knew him he moved down there.
Q: Have you known him ever since that time? A: Yes, sir.
Q: Has he always been living there? A: In Goingsnake?
Q: In Tahlequah? A: Since then he has.
Q: He has since you first learned to know him? A: Yes, sir.

LEWIS SANDERS, being duly sworn and examined testified as follows on part of applicant:

COMMISSION: What is your name? A: Lewis Sanders.
Q: How old are you? A: I don't know, sir.
Q: About how old are you A: My folks said I was born in '63.
Q: What is your post office address? A: Melvin.
Q: Do you know Ed Williams? A: Yes, sir, I have been know ing him for sometime.
Q: How long? A: About 14 or 15 years.
Q: Did you know his father? A: No, sir, I didn't.
Q: Did you know his mother? A: No, sir, only I heard my father talking about her.
Q: Never knew her yourself? A: No, sir.
Q: Where was Ed first living when you first knew him?
A: In Flint district.
Q: About 15 years age? A: About 14 or 15.
Q: How long did he continue to live there? A: I don't know, sir, how long.
Q: Does he live in your neighborhood now? A: Yes, sir.
Q: About how far does he live ffrom you? A: About seven or eight miles.

Q How long has he been living there? A I don't know exactly. It has been about seven or eight, about eight or nine years since he has been living in my neighborhood.
Q Where did he come from to there? A Flint
Q Have you seen him for the last eight or nine years? A Yes, sir.
Q You know he has been living right there in Tahlequah district all that time? A Yes, sir.
MR. WIGHT: Flint and Goingsnake join each other?
A Yes, sir.
Q You don't know positively whether he lived in Flint or Goingsnake? A No, sir, he may have lived in Goingsnake; there there close, some says it was.
MR. MARTIN: With whom was he living when you first knew him in Flint? A I could not tell you, he lived there in Goingsnake, I am positive pretty much it was with the old man named Jeff Russell.
Q That is up near Cincinnatti? A I don't know. I don't know that country to amount to anything.

COMMISSION: Ed Williams applies for the enrollment of himself as a Cherokee Freedman. He is not identified on any of the tribal rolls of the Cherokee Nation in the possession of the Commission with the exception of the Kern-Clifton pay roll of Cherokee freedmen. By reason of the fact that the applicant is only identified on the said roll, he will be listed for enrollment as a Cherokee freedman on a doubtful card awaiting further consideration of the Commission.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this January 16, 1902.

C. R. Breckinridge

Commissioner.

Cherokee Freedmen No. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 4, 1908.

SUPPLEMENTAL TESTIMONY in the matter of the application of Ed Williams for enrollment as a Cherokee Freedman.

Appearances:
D.M. Wisdom, attorney for the applicant, and
I.P. Bledsoe, attorney for the applicant;
L.D. Bell, of attorneys for the Cherokee Nation.

GEORGE ROGERS, being sworn and examined by Commissioner Needles, testified as follows:

TESTIMONY ON BEHALF OF THE APPLICANT.

Q What is your name? A George Rogers.
Q What is your age? A About 88 or 9.
Q What is your post-office address? A Locust Grove.
BY MR. WISDOM:
Q Do you know Ed Williams, the applicant? A Ed Williams?
Q Yes? A Yes sir, I am well acquainted with him.
Q Did you know his father? A I know his father.
Q What was his father named? A Pomp Williams.
Q Was he a Cherokee Freedman, or slave? A Cherokee Freedman, that is my understanding, I was well acquainted with him; he was a fiddler how I came to get acquainted with him; I was very rowdy before the war.
Q Who was his master or owner, to whom did he belong? A Boney Williams.
Q Was Boney Williams a Cherokee Freedman or a white man or an Indian? A My understanding is he was a Cherokee.
Q How long have you known this man Ed Williams? A Well I have knowed him I don't know exactly about, the first acquainted I got acquainted with him was along about the Wallace roll, along in there; he was a young man when I got acquainted with him.
Q Along about the time they made the Wallace roll? A Yes sir.
Q You have always known him to be a Cherokee? A Understood that was his father.
Q That Pomp Williams was his father? A Yes sir, and his mother was named Charity.
Q Do you know what his mother's maiden name was? A No I don't know exactly.
Q Where did Pomp Williams live? A I don't know exactly; where I get acquainted with him was at Fort Gibson; he used to have dancing around in there and Pomp Williams was the fiddler; that is where I get acquainted with him; I was awful rowdy before the war, and always go to dances and he was an awful good fiddler.
Q An awful good fiddler? A Yes sir.
BY MR. BELL:
Q You didn't know this Ed Williams at all did you except since '89? A Ed Williams?
Q Ed Williams, they call him? A Yes sir, from the time I was telling you then I get acquainted with him.
Q Behind '89 then you don't know anything about him except what you heard? A What I heard, yes sir, he was recognized to be Pomp Williams son.
Q Well I am asking what your knowledge is? A Charity's son, Cherokee citizens.
Q You say he was always recognized as Pomp Williams' son? A
A He was recognized to far as I was acquainted with him, yes sir.
Q Now this recognition that you speak of that you know of was after '89, you don't know anything about it about him behind '89?

Mr Williams I

A. [illegible] I don't want to tell anything [illegible] the truth as my recollection.

MR CAMP'S [illegible]:

This testimony will be made part of the record.

E.B.Grant, being first duly sworn, states that he stenographer to the Commission in the City Hall and he correctly recorded the testimony had proceeded up to this date and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[signature]

Subscribed and sworn to before me this January 23,1908.

C. R. Rectanus

Commissioner.

Cher.Fr.D-1188

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 17, 1908.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of Ed Williams as a Cherokee Freedman.

Appearances:
D. B. Wisdom, Attorney for applicant.
W. W. Hastings, Attorney for Cherokee Nation.

MARGARET SANDERS, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Margaret Sanders.
Q How old are you? A I am about fifty-eight.
Q What is your post office? A Melvin.
Q In what district do you live? A Tahlequah.

MR. WISDOM: Are you acquainted with Ed Williams?
A Yes sir, I was acquainted with his father.
Q What was his father's name? A Pompey Williams.
Q Who did Pompey Williams belong to? A Boney Williams.
Q Was Boney Williams a Cherokee? A Yes sir.
Q Pompey Williams was the slave of Boney Williams, was he? A Yes sir
Q You know Ed Williams to be the son of Pompey Williams, reputed to be? A yes sir.
Q When did the parents of Ed Williams, were they removed out of the Territory during the war? A yes sir. I never did.
Q When did you see them after the war?
A I met Pompey Williams in Fort Gibson at John Thompsons.
Q When was that? A In '66.

MR. HASTINGS: Did you know Ed Williams, this man here?
A Never was acquainted with Ed Williams until he lived on the creek there.
Q When was that, when did you first know this fellow?
A I can't tell you, it has been a long time. I am not able to tell you how long.
Q When did you first see his mother after the war?
A Never saw her.
Q When did you first see him after the war?
A About twenty years, I reckon. I have come here to tell you the truth -
Q He was born before the war, wasn't he? A Yes sir.
Q You never saw him until about twenty years after the war?
A We was all scattered around so we couldn't see each other.
Q What year is this? A I don't know.
Q You don't know one year from another? A I know when they tells me. I am just going to tell you the truth, that's all.

MR. WISDOM: You know when the war closed? A Oh yes sir, I know, and I know when my folks come. I never did go out of the Nation.

BY COMMISSION: Do you know when the war broke out? Do you remember when the war broke out? A yes sir, I was a young man.
Q Did you know Ed Williams at that time?
A Ed Williams didn't live near where I was. They didn't live close to me. The old man was a fiddler, and I have danced there hundreds of times.

MR. WISDOM: Boney Williams, that's the man that was the fiddler?
A Yes sir.

BY COMMISSION: Do you know whether this applicant, Ed Williams, was born before the war? A Yes sir.
Q Do you know he whong before the war? A No sir, I don't.
Q When did you first see him after the war? A About 20 years ago I seen him, after he come here, down on the Creek there.
Q Who did his father belong to? A Nancy Williams.
Q Who was he living with when the war broke out, this applicant, Ed Williams? A His father was living with his master.
Q Was Ed Williams living with his father or with his mother at that time? A We was with his mother, I guess.
Q What was his mother's name? A I didn't well acquainted with his mother. I was acquainted with his father because he was always among us.
Q You don't know who his mother belonged to do you?
A No, I don't know who his mother belonged to.
Q When did you first see his father after the war?
A I met his father in Ft. Gibson.
Q What year? A In '66.
Q What time of the year, spring, summer, fall? A It was in the spring.
Q Spring of '66? A Yes sir.
Q Do you know whether Ed Williams was with his father at that time? A I don't know.
Q How long did his father live there? A We didn't live there at all I guess, he just come in. I met him there at Nancy Fountain's.
Q Do you know where he lived all that year? A No sir, I don't know where he lived. I don't know how long he stayed there nor where he went.
Q Do you know where he was next year? A No sir, I don't.

MR. HASTINGS: Did you ever see him after that? A No sir, I don't remeber seeing him, if I saw him I don't remember.
Q You just saw him one time in the spring of '66?
A I just saw him there. Ask him if he got in and he said yes.
Q You have lived around Melvin all the time haven't you, down on 14 mile Creek? A Yes sir.
Q All the time since the war? A A All the time since the war.
Q You were acquainted with the colored people around up there?
A Yes sir.
Q You never saw Ed Williams until about 20 years after the war? again? A No sir.
Q It was before the war when Pompey Williams was playing the fiddle for you that he showed you he had this son? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographier to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and completer transcript of his stenographic notes thereof.

Wm Hutchinson

Sworn to and subscribed before me this 21st day of November, 1903.

Charles F. Sawyer
Notary Public.

Cherokee Freedman D-1108.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ed Williams as a Cherokee freedman.

DECISION.

The record in this case shows that on January 14, 1902, Ed Williams appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on January 14, 1902, and November 17, 1903.

The evidence shows that Ed Williams is the son of Pump Williams and his wife, Charity Williams, who were slaves of Cherokee citizens at the commencement of the rebellion. It is further shown that Ed Williams was born during the rebellion and was the slave, together with his said parents, of a Cherokee citizen; that he was taken out of the Cherokee Nation, but did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs Cherokee Nation et al., for the return of freedmen. It is further shown that neither of his said parents returned to the Cherokee Nation within the time specified in the decree of the Court of Claims supra. It further appears that neither his name nor the names of his said parents appear upon the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Ed Williams as a Cherokee freedman

should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

MAR 20 1956

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Ed Williams,
Colvin, I. T.
Cherokee-F-T-1103.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

B

26103

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 16 1902

CHEROKEE FREEDMEN

Doubtful

Application made by [illegible]. Stenographer [illegible]

Represented by Atty. Wisdom, Muskogee, I.T.

Cherokee Freedmen
D-1178.

Muskogee, Indian Territory, October 17, 1903

Ed Williams,

Melvin, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony, other than your own, is required as to whether one or both of your parents were slaves of Cherokee citizens at the commencement of the war, and returned to the Cherokee Nation within the time specified in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1168.

Muskogee, Indian Territory, October 17, 1903

D. H. Wisdom,

Attorney for Ed Williams,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of E d Williams as a Cherokee freedman, you are advised that before a decision can be prepared in his case, further testimony, other than his own, is required as to whether one or both of his parents were slaves of Cherokee citizens at the commencement of the war, and returned to the Cherokee Nation within the time specified in the treaty of 1866.

The applicant has therefore been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-142.

Muskogee, Indian Territory, May 4, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Ed Williams as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

Enc. D-142.

Cherokee Freedmen
D-141.

Muskogee, Indian Territory, May 6, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Ed Williams as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-141

Chairman.

Cherokee Freedmen
Roll.

Muskogee, Indian Territory, May 4, 1904.

Mr. M. Wisdom,

Attorney for Ed Williams,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of Ed Williams as a Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Chairman.

Enc. D-140.

Cherokee Freedmen
D-1139.

Muskogee, Indian Territory, May 4, 1904.

Ed Williams,

Melvin, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for your enrollment as a Cherokee freedman. Your attorney, D. M. Wisdom, Muskogee, Indian Territory, has this day been furnished with a copy of the record of proceedings together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Chairman.

Enc. D-139.

Refer to this
to the following
Land
Regulations

C. P. T.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. May 24, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated May 4, 1904, transmitting the record of the application of Ed. Williams for enrollment as a Cherokee freedman.

April 20, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman...

The evidence shows that the claimant, Ed Williams, was born about 1866. That his father, Pomp Williams, was the slave of Zeke, or Boney Williams, a Cherokee citizen, and his mother, Charity Quinton, was the slave of Eida Quinton, a Cherokee citizen. It is further shown that Pomp Williams, father of the claimant, was taken out of the Cherokee Nation during the war of the rebellion and returned to the Cherokee Nation in 1866.

There does not appear to be any evidence showing whether Pomp Williams remained in the Cherokee Nation to the date of his death or that he acquired a residence elsewhere.

There does not appear to be any evidence showing whether Charity Quinton, the mother of the claimant, was taken out of the Cherokee Nation during the war or has remained thereafter prior upon the birth of the claimant in the Cherokee Nation about the year 1868.

The decision of the Commission is not warranted by the evidence in the case, and in view of the doubt and of the fact that the claimant's right to enrollment is derived as the descendant of Tony Williams and of Charity Quinton, it is recommended that the decision of the Commission be not approved and that the case be remanded for further testimony touching the right of the claimant to enrollment as the descendant of Tony Williams, a Cherokee freedman, or of Charity Quinton, a Cherokee freedman.

Very Respectfully,

A. C. Tonner,

Acting Commissioner.

JMM

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[illegible] BY THE [illegible]

WASHINGTON,

May 27, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 4, 1904, you submitted the case involving the application for the enrollment of [illegible] Williams as a Cherokee freedman, having on April 20, 1904, rendered a decision holding that the applicant was not entitled to enrollment.

Submitting the case May 23, 1904, the Indian Office states that there does not appear to be any evidence showing whether Pomp Williams, the father of the applicant, remained in the Cherokee Nation to the date of his death, or that he acquired a residence elsewhere, and that it does not appear whether Charity Quinton, the mother of the claimant, was taken out of the Cherokee Nation during the rebellion, or returned thereafter, other than the birth of the claimant in the Cherokee Nation about the year 1866; that as he considers your decision is not warranted by the evidence in the case, he recommends that the case be remanded for a rehearing.

The Department does not concur in this recommendation. It is considered that your decision was warranted by the testimony submitted by the claimant. The burden of proof was upon him, and the testimony is too vague and unreliable in all material particu-

here to either as any other conclusion than that reached by you. The claimant and his attorney were duly advised of your decision and no motion for rehearing has been filed. Your decision is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan.
Acting Secretary.

2 inclosure.

Cherokee Freedmen
S 1179

Muskogee, Indian Territory, June 7, 1904

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Ed Williams as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

Cherokee Freedmen.
S. [illegible]

Muskogee, Indian Territory, June 7, 1904.

T. M. Wheler,

Attorney for M Williams,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of M Williams as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
S 1504

Muskogee, Indian Territory, June 7, 1904.

Mr Williams,

Melvin, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself as a Cherokee Freedman, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

Cher. Fr. R-860

See Cher. Fr. 361-362, D-1014

Cher. Fr. R-860

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. [illegible], 1902.

In the matter of the application of [illegible] for citizenship enrollment of himself, his wife and two children as Cherokee freedmen, he being sworn by Commissioner T. B. Needles testified as follows:

Q What is your name? A. [illegible] Rose.
Q What is your age? A. 32.
Q What is your post office address? A. Berryhill.
Q What district do you live in? A. Sequoyah.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you desire to have enrolled besides yourself? A. My wife and two children.
Q What is your wife's name? A. Pallie.
Q Is she a citizen? A. Yes sir.
Q What is her maiden name? A. Paden.
Q How old is she? A. 21.
Q What are the names of your children? A. Clarinda Rose.
Q How old? A. 3 years.
Q Dent? A. Ephalia
Q How old? A. 2 years.
Q Are these children living now? A. Yes sir.
Q Is your name on any of the rolls? A. No sir.
Q Have you ever been recognized by the Cherokee authorities? A. No sir.
Q Is your wife on any of the rolls? A. Yes sir on the Wallace roll.
Q Do you and your wife follow any one that has been enrolled here? A. My father and mother are dead and Permelia Rose and my wife follows her mother Judy Chambers.
Q Where were you born? A. In Texas.
Q When did you return from Texas to the Cherokee Nation? A. 15 or 16 years ago.
Q Did you marry in Texas? A. No sir in the Cherokee Nation.
Q How old were you when you came from Texas? A. 17 or 18 years old.

By W. W. Hastings, Cherokee representative-

Q How long have you been married? A. Six years.
Q Is this your first wife? A. Yes sir
Are you your present wife's first husband? A. Yes sir.
Did either of your have any children before you married? A. No sir.

The applicant is not identified on any of the rolls of the Cherokee Nation now in the possession of the Commission.

The applicant's wife is not identified on the 1880,1896 or Kern Clifton rolls of the Cherokee Nation.

Wallace roll examined and the name of the applicant's wife identified thereon as follows-
Page 198 No. 2868 Pallie Paden, Sequoyah district.

Q Have you any proof of your marriage? A. No sir
Q Is there no one here who knows that you and your wife were married? Yes sir.

JOHN CHAMBERS called and sworn as a witness for the applicant-

Q What is your name? A. John Chambers.
Q Do you know Pallie Paden? A. Yes sir she is my daughter.
Q [illegible] A. Yes sir.
Q [illegible] A. Yes sir.
Q Did you see them married? A. Yes sir.
Q Have they lived together continuously since their marriage? A. Yes sir.
Q How many children have they? A. [illegible] are dead, two are living.

By Examiner

Q Were neither of them married before? A. No sir.
Q Did either of them have any children before they married? A. No sir

By Court Reporter

Joseph Rowe applies for himself, his wife Pollie and two children, Clarinda and Sebelia Rowe. He cannot be found on any of the rolls of the Five Civilized Tribes. He swears that he was born in Texas and removed here at the age of 18 years. He swears that he is now married to one Pollie Price by whom he has two children, Clarinda and Sebelia. His wife's name is found on the Dawes roll only. He claims his citizenship through his mother Permelia Rowe and his father James Rowe who are listed for enrollment of Cherokee freedmen cards D.861 and D.862 respectively, and the testimony taken therein will be referred to and made a part of the application at bar and copies thereof filed herein. He swears that his wife is the child of Jay Chambers who has been listed for enrollment as a Cherokee freedman on D. Card 2614 and the testimony taken therein will be made a part of the present application and a copy thereof filed herewith. He makes satisfactory proof as to his marriage. It will be necessary for him to make satisfactory proof as to the birth of his two children, their names not appearing on the rolls. Now the said Joseph Rowe, his wife Pollie, and their two children Clarinda and Sebelia Rowe will be listed for enrollment as Cherokee freedmen on a doubtful card and when the final decision is arrived at he will be notified by mail.

. . . . . .

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this the 18th of July, 1901.

Commissioner.

To be filed with the case of Jenny Dunn, C. P. S. 1888.

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I. T. July, 8 1902.

In the matter of the application of Judy Chambers for the enrollment of herself and her children. Judy Chambers being duly sworn and examined by Commissioner Goodlet, testified as follows:

Q What is your name? A. Judy Chambers.
Q How old are you? A. I dont know how old I am, I was a girl time of the war.
Q Have you any idea how old you are? A I was a girl, a young girl time of the war.
Q What is your post office? A Bunger.
Q What district do you live in? A. Choctaw.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. My children.
Q How many have you got? A. I have seven.
Q Well, give me the names of your children? A Rufus Warren.
Q How old is he? A Well, he was born in time of the war, I dont know my children's ages.
Q He is of age? A Yes sir.
Q I want the children under age and not married? A. Oh, well now Dennis.
Q How old is Dennis? A About 14 or 15 as near as I can guess.
Q What is the next one? A. Annie.
Q How old is Annie? A. I cant hardly tell you how old she is, about 13 or 15.
Q What is the next one? A That is all, just only two under age.
Q You have got five married them? A. Yes sir, the oldest one that I have got isn't married.
Q Have you got any witness here? A Yes sir.
Q Who are they? A. Uncle Nelson Murrell and Ben Grimmett and Dennis Dean
Q Your name on any of the rolls of the Cherokee Nation? A. Yes sir.
Q What roll? A. I went to all the enrollments, but I never drawed any money only on the Wallace roll.
Q Are you married? A No sir, not now.
Q Were you ever married? A. Yes sir.
Q How many times? A. I have been married twice.
Q What was your first husband's name? A Warren, belonged to some people named Little.
Q Did he have any other name besides Warren? A. That is all the name I ever heard.
Q Not John or anything? A. No sir, just Warren.
Q Is he living? A. No sir, he is dead, I am a widow woman.
Q What was your second husband's name? A His name was Columbus.
Q Columbus What? A. Columbus Gilbreath
Q Is he living? A No sir he is dead.
Q Who id the father of Dennis? A. Ben Payton.
Q Never was married to him at all? A. No sir.
Q What is Dennis' name? A. Dennis Payton.
Q Who is the father of Annie? A. Annie Johnson, her father was Albert Johnson.
Q Never was married to him either? A. No sir.
Q Have you got any children by any of your husbands? A Yes sir, Rufus Warren, he is here to speak for himself.
Q Were you a slave? A. Yes sir.
Q Whodid you belong to? A. Sam Chambers.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out during the war? A. No sir.
Q Never been out of the Cherokee Nation ? A No sir.
Q Always lived in the Cherokee Nation? A. Yes sir.
Q Why isn't your name on the roll of 1880? A. I dont know, sir, I think I was attending court and didn't get there.
Q Sam Chambers was your master? A. Yes sir.
Q Where were you born? A. Sam Chambers.
Q You never been out of the Cherokee Nation in all your life? A. No sir
Q Never lived out of it? A. No sir.
(W. W. Hastings, Cherokee Attorney) You were sold out of here before the war thought? A No sir.

Q You know a man named Gilbreath? A Yes sir I knew a man named Gilbreath who lived in Muskogee? A. No sir, lived close to old man Chambers.
Q He was a white man? A. Yes sir.
Q Ben Chambers said you to Gilbreath before the war? A. No sir, never belonged to anybody name Gilbreath in my life.
Q Ben Chambers never said you before the war? A. No sir.
Q Now where did Ben Chambers live? A. Ben Chambers lived in Flint district close to Tahlequah.
Q He was the father of Ben, or B. B. Chambers, you have said a moment? A Yes sir, we and Ben Chambers camped members at the same time.
Q He was your young master? A Yes sir, and Anderson Chambers and Ben Chambers and Bill Chambers.
Q They were your young masters? A. Yes sir.
Q You know when the war came up? A. We were all together.
Q Living on the same place when the war came up? A Yes sir.
Q Now who did you stay with during the war? A. First one and then another, sometimes Peggy Vandall and sometimes Polly Cornsilk, and sometimes I was at Mrs. Quinton's. First one place and then another, didn't have no particular home when I was turned out, I didn't know where to go, I had to go with some because I was left to myself.
Q Where did the first of the war find you? A. Raised up close to Mrs. Quinton'
Q Was that in Flint district? A. No sir, in Goingsnake.
Q How long did you live there after the war? A Been there all the time until about 13 or 14 years ago I moved in Sequoyah District.
Q That is the first time you ever saw Dennis Bean? A No sir, Dennis Bean staid to our house all the time.
Q Before the war? A. No sir, not before the war, his mother knew me all her life.
Q When did you first meet him, how long after the war? A. I cant tell just exactly when.
Q About how long after the war? A, I reckon about three or four years after the war.
Q Where did you first see him? A I was at Atkins Johnson.
Q That was in Sequoyah district? A. No sir in Flint.
Q That was the first time you saw him? A Yes sir, since the war.
Q You never saw Dennis before the war at all? A. No sir, that is right, if I saw him I dont recollect it.
Q When did you see Uncle Ben Grimmett after the war? A. I saw him off and on all the time, but I cant tell you exactly what time I saw him after the war.
Q About what time after the war? A. I cant tell you, because I wasn't studying about any such.
Q Where was the first place you saw him after the war? A I think the first place must have been Tahlequah when we were there to draw the bread money.
Q That was your first recollection ? A Yes sir.
Q Where did you see Murrell first after the war? A. It was at a camp meeting time.
Q Where at? A. They called it Bethel Camp Ground.
Q That was after the war? A. Yes sir.
Q How long after? A. Two or three years after the people got civilized
Q Has you ever seen him before the war? A. Yes sir.
Q Where at? A. At. Mr. Chamber's place.
Q How long before the war? A. I was just a little girl, and I dont know nothing about it, I dont know nothing about the war,when it was.

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Taking of testimony continued by stenographer Chas. von Weise.

****

Bruce C. Jones,being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and thefor going is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Subscribed and sworn tobefore me this the 18th of July,1901.

(Signed) T. B. Needles, Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 31, 1906.

In the matter of the application of Judy Chambers for the enrollment of herself and two children.

CONTINUED FINAL HEARING BEFORE T. D. ADAMS.

WILLIS MARRELL called and sworn as a witness for the applicant by Commissioner T. D. Adams, testified as follows-

Q What is your name? A. Nelson Marrell.
Q What is your age? A. About 78.
Q What is your post office address? A. Coffeyville.
Q Do you know the applicant? A Yes sir.
Q How long have you known her? A Ever since she was a girl.
Q Who owned her before the war? A. Sam Chambers.
Q Was he a Cherokee citizen? A. Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A. I dont know
Q When did you first see her after the war? A. '67.
Q What part of '67? A The first of March at Fort Smith Arkansas.
Q When did you next see her? A. To the Wallace court.
Q When next? A. Here
(By W.W. Hastings, Cherokee representative)
Q What were you doing at Fort Smith when you saw her first? A. I was a witness in the United States Court.
Q In what case? A. I dont know.
Q What was the charge? A I dont know.
Q Dont you know the man's name against whom the case was had? A. No sir I forgot.
Q And that was in March of 1867? A. Yes sir, if my memory serves me right
Q But you cant remember the case? A. No sir.
Q You dont know what the man was charged with? A. Yes sir I think it was stealing a horse.
Q Was he tried before the Federal court there? A. Yes sir.
Q For some thing that he had done up in this country? A. Yes sir.
Q How far did you live from this woman before the war? A. Three miles.
Q What was her mother's name? A. Vigy Chambers.
Q How long befote the war did you see her? A. 10 years.
Q And at that time she belonged to Sam Chambers? A Yes sir.
Q Did he sell her at the time the war came up? A I dont know.

BEN GRIMMETT, called and sworn as a witness forthe applicant-

Q What is your name? A. Ben Grimmett.
Q What is your age? A. 65.
Q What is your post office address? A. Nowata.
Q Do you know this applicant? A. Yes sir.
Q How long have you known her? A. Ever since she was a baby.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Sam Chambers.
Q When did you first see her after the war? A. I haven't seed her since two years ago.
Q Was that the first time that you saw her since the war? A. Yes sir.
Q How do you know that it is the same woman you saw before the war? I know it.
Q Was she a baby in arms when you first saw her? A. No sir she was a baby so high (indicating)
Q And you can tell that this is the same person when you saw as a baby before the war? A No sir.
Q Do you know that she lived there with Sam Chambers as his slave when the war came up? A Yes sir.
Q Where did Sam Chambers live then? A In Flint district
Q And this woman was living with him? A. Yes sir.
Q Sam was Boon Chambers' father? A. Yes sir.
(By the Commission)

Q If you can [illegible] and you to one [illegible] today you would [illegible] A. I am not that old I could.

By Commissioner)

Q You are a [illegible] that was charged for stealing of Intelligent Al [illegible]

Q Have you or were you ever [illegible] I want tell you anything about it

[illegible] as a witness for the applicant——

Q What is your name? A [illegible]
Q What is your age? [illegible]
Q What is your post office address? A [illegible]
Q Do you know this applicant? A. Yes sir.
Q How long have you known her? A I have known her ever since '71
Q Where did you know her then? A. In Flint district.
Q Did you know her before that? A. No sir.
Q Do you know if she was a slave? A. No sir.
Q Do you know if she was taken out of the Cherokee Nation during the war or not? A. No sir I dont

Applicant not found on the 1896, 1896 or Kern Gilfion rolls.

Wallace roll examined and the applicant found as follows-
Page 186 No 4081, Judy Chambers, Sequoyah district.
Page106 No 2288 Dennis Payden

Q Where was Dennis born? A In Flint district, Cherokee Nation
Q Where was Anna born? A. In Sequoyah district.
Q What are the names of your other children? A Rufus Warren and Cynthia Johnson. Dave his name is Joe but we call him Dave.
Q Joe What? A. Yeah
Q He is not a son of either one of your husband's? A No sir.
Q What is the next one? A. Phillie Payden.
Q Is she married? A. Yes sir.
Q What is her name now? A. [illegible] Rowe.
Q Is Rufus a son of either one of your husbands? A Yes sir of the first one.
Q What is the next one named? A. Kilbreath Landon.

Commissioner Needles,—— Judy Chambers applies for himself and for two Children. She is not identified on any of the rolls except the Wallace roll, her child Dennis Payden is also identified on the Wallace roll. Anna Johnson is not identified on any rolls. She avers that she was the slave of a Cherokee citizen and was taken out of the Cherokee Nation during the Civil war and returned [illegible] in 1866. She and her two children hereinbefore will be listed for enrollment as Cherokee freedmen on a doubtful card. It will be necessary for her to file proof of birth as to her daughter Anna Johnson.

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[illegible] the [illegible] of the [illegible] after a thorough examination of [illegible] the witness stated that she was a slave [illegible] and came with her to the State of [illegible] in the State of Texas, and [illegible] that in 1866 she [illegible] to be a Cherokee freedman. [illegible] leaving her husband [illegible] Cherokee Nation in search of her children who were born in the State of Texas and returned. She avers that her oldest boy [illegible] years ago, and has been living here in the Nation ever since. The testimony fails to show that the [illegible] returned in the year 1866 with her. Finally and that although [illegible] to the Cherokee Nation in 1866 [illegible] time [illegible] the testimony fails to show that [illegible] of the provisions of the treaty of 1866 permitting freedmen. Freedmen who returned within the [illegible] of the Cherokee Nation, but [illegible] Cornelia Rose and her three children as [illegible] for enrollment as Cherokee Freedmen [illegible] of the fact that the testimony in her behalf [illegible] witnesses that he desires to introduce. The final decision on [illegible] will be made known to the applicant at her post office address.

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[illegible] that he stenographically [illegible] the foregoing testimony taken in the above entitled cause, [illegible] correctly recorded [illegible] proceedings in said case, and that the foregoing [illegible] of the stenographic notes [illegible]

[illegible] before me this [illegible]

[illegible] with the name of [illegible] C. W. B. [illegible]

Department of the Interior
Commission to the Five Civilized Tribes,
Tahlequah, I. T. June, [illegible] 1902.

In the matter of the application of Parmelia Rowe for the enrollment of herself and three children as Cherokee Freedmen, said name having been duly sworn and examined by Commissioner T. B. Needles, testified as follows.

APPEARANCES:

Messrs Mellette & Smith for applicants.
Mr. J. B. Davenport, for Cherokee Nation.

Q What is your name? A. Parmelia Rowe.
Q How old are you? A I am about 58 or 59 as near as I can guess.
Q What is your post office? A. Tahlequah, I. T.
Q What district do you live in? A. Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A I got three children.
(Hands them papers)
Q Your first named Nancy? A. Yes sir.
Q She is 16 years old? A. Yes sir.
Q What is the next one named? A. Salina.
Q How old is Salina, about 14? A Yes sir.
Q What is the next one named? A Golie.
Q Is that a boy or a girl? A. Boy.
Q How old is Golie, about 12? A Yes sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation?
A Yes sir, it ought to be on the Wallace roll and Norm Clifton roll.
Q Is not on the 1880 roll? A. No sir, my father's in on the 1880 roll
Q What is your father's name? A. Golie Jones.
Q Is he living? A. No sir, he is dead.
Q What was your mother's name? A. Phillis.
Q Phillis Jones? A. Went by the name of Phillis Mayfield.
Q Is she living? A. No sir, she is dead.
Q Are you married? A Yes sir.
Q What is your husband's name? A. Jesse Rowe.
Q Is he living? A. Yes sir.
Q Is he a citizen? A. Yes sir.
Q You don't apply for him? A. No sir, he belonged to the Cherokees.
Q Were you ever married before? A No sir.
Q Jesse Rowe your first husband? A. Yes sir.
Q Is he the father of these three children? A. Yes sir, father of all my children.
Q Where were these children born? A. Born in Texas.
Q Were you married in Texas? A Yes sir.
Q To Jesse Rowe? A. Yes sir.
(By Mr. Smith)
Q How old are you, did you say? A. I am about 58 or 59
Q Were you born a slave? A. Yes sir.
Q Whose slave were you? A. Sallie Mayfield.
Q Was she a Cherokee? A Yes sir.
Q Live in the Cherokee Nation? A. Yes sir.
Q Citizen of the Cherokee Nation here? A. Yes sir.
Q Where were you during the Civil war? A. I was in Texas, they carried me from here to Texas, my owners.
Q When did they carry you to Texas? A. They carried me out when I was small.
Q Who was that now, the Mayfields? A Yes sir, Sallie Mayfield and Jess Mayfield, her husband.
Q How long did you had you been down in Texas when the war commenced?
A I don't know sir, I have no knowledge of how long I had been there.
Q Where did this Sallie Mayfield live before she went to Texas, what part of the Cherokee Nation? A She lived in Flint District.
Q Was she married? A. Yes sir.
Q Who was her husband? A Jess Mayfield.
Q How old were you when they took you to Texas? A I dont have any

belonged. She did I was I was small.
Q Well, do you know or have any idea, idea of how long you stayed in Texas? A Yes sir, been in Texas all the time until in '66. I came, mistress taught me my father was living and for me to come and right back up and I came in '66 and hunted him up.
Q There did you go in Texas to the Cherokee Nation? A. Yes sir.
Q What part of the Cherokee Nation? A. Been here in Sequoyah.
Q How long did you stay down in Sequoyah? A I stayed down there about two or three years and there was when I trouble, living, and we going in a growing condition and I worked and came back before I found my father and just wrote him to let him know I had been on the front of the
Q And where did you get A. I went to Texas to my husband.
Q Then when did you come back and how long did you stay on Texas? A I stayed there all the time until about 15 or 16 years ago I moved and settled down
Q Were you married in 1866? A Yes sir I was married.
Q Who were you married to? A. Jesse Rowe.
Q Your present husband? A. Yes sir, and been married but once. He was a Missionary and he pledged himself to serve as long in the Missionary field and when I came out and I would not agree to leave him and come back; I just wrote to my father and he started me a claim.
Q Now then Nellie Mayfield, when she went to Texas before the war, had she abandoned theCherokee Nation? Did she sell out up here? A No sir, she hadn't sold out; so they told us, I was just going by what I heard.
Q You know where they lived when they lived in the Cherokee Nation here? A. I heard them say they lived in Sequoyah district, in Flint district.
Q Did you have any recollection yourself of the place where you lived before you went to Texas? A No sir, I was too small.
Q Now, your husband, Jesse Rowe, was he a slave? A. Yes sir.
Q Did you know him before the war? A. I knowed him in the time of the war.
Q Whom did he belong to? A. George Starr.
Q Was George Starr one Indian? A. Yes sir.
Q Where is your husband, Jesse? A I dont know whether he is on the ground or not; he was talking about going off a piece to-day, I dont know whether he went off or not.
Q Have you any children? A. Yes sir.
Q Are they of age or younger? A. Yes sir, I got three here's of age.
Q Are they all Jesse Rowe's children? A. Yes sir, every one of them Jesse Rowe' children.
Q Where were you and Jesse Rowe married? A. In the State of Texas
Q Have all these children been born to you since you have been married to Jesse Rowe? A Yes sir.
Q When did you last see your mistress, old Mistress? A She has been dead; I seed her the same her I came out here she was in Texas.
Q Did you ever see her after you went back to Texas? A When she went back?
Q I mean now; when did you mean that you saw her, before you came out here the last time or first time? A The last time, my children, washed clothed for her.
Q When did you ladt see her husband? A. Old Jess Mayfield, well he has been dead too long to talk about; too long to me to recollect, it has been a long time, I wasn't grown good when he died.
Q Where did this George Starr who owned Jesse, where did he live? A. I think he lived in Flint.
Q Have you ever seen him or know of his people since you came to the Cherokee Nation? A. No sir, none but his [illegible] left come back [illegible] his daughter Mary.
Q What is her name now? A Mary Bell.
Q Is she the wife of Hooley Bell? A. Yes sir.
Q Was she the one that owned your wife Jesse? A Yes sir, her father.
Q Well, have you any witnesses here? A Yes sir.
Q Who? A. Brother Jack Jones and Sun McNair and Peter Williams and Charles Mayfield.
(By Com'r Needles)

Q Mr., age Mam, you had you understood to leave when you came a [illegible]
A Yes sir.
Q By Mr. Mayfield, your Witness? A. Yes sir.
Q Did they live in Texas all the time you said they [illegible]? A. Yes sir
Q And they never came back to the Cherokee Nation? A. Yes sir
Q To my knowledge some of them on a far as I know [illegible]
Q Do you that 18 or 19 years ago you came up here to live [illegible]
Q You were married then? A. Yes sir.
Q And had children? A Yes sir.
Q Did you bring your family with you when you came up? A. No sir.
Q Did you find your father? A. No sir.
Q You went back to Texas? A. Yes sir.
Q And when did you bring your children here with you and your family, 18 or 19 years ago? A. Yes sir.
Q And you have been living here ever since that? A. Yes sir.
Q When did your husband go back to Texas? A. Since he has been here?
Q No, when he originally first went? A. He was small himself.
Q And you found him down there and married him? A. Yes sir.
Q Do you actually never lived yourself in the Cherokee Nation until 18 or 19 years ago? A. No sir.
Q You came up in hard to find your father? A. Yes sir, I just wrote to father to find me a claim and I sent my children back and they carried it.
Q But you didn't find your father? A. No sir.
Q Were your owners in Texas all the time you were? A Yes sir.
Q Did you live there on a plantation? A. Yes sir.
Q Citizens of Texas? A. Yes sir.
(By Mr. Davenport)
Q They went there about 1847? A I cant tell that.
Q They were living there when the war broke out? A Yes sir.
Q You and Jess were both there at that time? A. Yes sir, grown up near about the same age.
(By Com'r Needles)
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir, it is on the Kern Clifton roll.
Q Did you drew money at that time? A. No sir, it ought to be on the Wallace roll.
Q You never drew any money upon any Roll? A No sir.
Q For yourself or any of your children? A. No sir, my father is on the '80 roll.
Q Did you apply to the Cherokee Authorities to be enrolled as a Cherokee Freedman? A Yes sir, this makes three times I have been before the Court.
Q Did you ever apply at Tahlequah before the Court down there? A No sir
Q You were before the Wallace court and the Kern Court and this court?
A Yes sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and applicant name not found thereon.
The Kern Clifton and Wallace rolls of Freedmen of the Cherokee Nation examined and applicants name not found thereon.

PETER WILLIAMS, being sworn and examined by Commissioner T. B. Needles, testified as follows:
(By Smith)
Q State your name? A. Peter Williams.
Q How old are you? A. I may not give in my age exactly but I am about 50.
Q Do you know Parnelia Rowe, this applicant here? A I saw her in Fort Gibson, worked on a wagon at Fort Gibson, I was a blacksmith, in '66.
Q Well, who was with her? A I presume it was her man, that is the first time I seen them.
Q Did you know her before the war? A. No sir, I didn't know her before

[illegible] one?
Did you know the [illegible], Colin Mayfield and Jesse Gardner? A. Yes.
Q Colin Jones then.
Q Do you know Jesse Jones, the husband of Permelia? A Yes sir.I know him.
Q Do you know anything about who Jesse Jones belonged to, or if he was a slave before the war? A. Well, I don't know it, sir, exactly no more than the rolls.
Q You didn't know him before the war? A. No.I have been too young but I didn't know anything on the rolls.
Q Do you know Jesse Jones now? A. Yes sir.
Q What is he, a preacher? A. Minister, has been for quite a while.
(By Com'r Meadlen)
Q You say Jesse Jones was his name? A Yes sir.
Q Was his wife with him? A. His wife was with him; but that I don't know; well I don't know exactly if she was his wife, but I saw them both,together they had up to my blacksmithing shop.
Q In Fort Gibson? A. Yes sir.

PICK FORTH,being duly sworn by Commissioner T. B. Meadlen, testified as follows: (By Mr. Smith)
Q State your name? A Jack Jones.
Q How old are you? A. 22.
Q Do you know Permelia Howe? A. Yes sir.
Q Do you know her husband, Jesse Howe? A. Yes sir.
Q What do you know about this case, this application? A This is my sister.
Q Permelia is your sister? A. Yes sir.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q Are you on any of the rolls? A. Yes sir.
Q What rolls? A. 1880 roll
Q Were you a slave? A. No sir.
Q Who was your father? A. Colin Jones.
Q Who was your mother? A Eliza Jones.
Q Were they slaves? A. Yes sir.
Q Whom did they belong to? A My father belonged to Judge Adair and my mother belonged to Buffington.
Q Well, who was Permelia's father? A. Colin Jones.
Q Who was her mother? A. I dont know her mother.
Q Was a difference mother from you? A. Yes sir.
Q Then she is your half sister? A Yes sir.
Q How old did you say you were? A. 22 years old.
(By Com'r Meadlen)
Q When did you first see her? A. 1892.
Q When she came ? from Texas? A. Yes sir.
Q You never saw her in Texas? A. No sir.

CHARLES MAYFIELD,being sworn and examined by Commissioner T.B.Meadlen,testified as follows: (By Mr. Smith)
Q What is your name? A. Charles Mayfield.
Q Where dod you live? A. On Grand river.
Q How old are you? A. About eighty odd, about 86 or 7.
Q Were you a slave during the war? A. Yes sir.
Q Who did you belong to? A. Mayfield.
Q Which Mayfield? A. Walker Mayfield.
Q Did you know [illegible] Permelia Howe,this woman? A Well I wasn't well [illegible] and lived in Texas and I think we all belonged to the [illegible] of white people.
Q What [illegible] her mother to your owner? A I think she was Walker [illegible].
Q What were the names of Permelia,what were their names? A Let's see,. [illegible] her.
Q Would you know the name if you were to hear it? A. Yes sir.
Q Was it Eliza? A Yes sir.

[illegible] dead? A Yes sir.
Q Do you know what relation they were to the Rowe?[illegible]
Q Have you any knowledge that her husband went to Texas [illegible] Cherokee?
Q Did you know Jessie Rowe and Sallie Rowe? A. Yes sir.
Q Where did they live, did they ever live in the Cherokee Nation?
A Yes sir.
Q Where? A. In Flint district, or Delaware.
Q Have you any knowledge of the place where they lived? A. I'll [illegible] not exactly, but it was in Flint, about all her folks lived [illegible] called Vinita.
Q Well, did you ever see Dora Franklin Rowe? in the Cherokee Nation after the war and before she was taken to Texas? A. I don't know.
Q When did you first see her in the Cherokee Nation; when did you first know her at all? A I first saw her at Fort Gibson in [illegible] she was [illegible].
Q Well, after that when did you see her? A When she came home to her father I saw her again up here not very far above his where I live now.
Q That is a long time after Lee's A Yes sir.
Q Do you know when her father got back or was he out during the war?
A Now, I am not able to say; he was preaching around here, very old man, I dont know when he returned; I dont know if he went out or not, but he is a Nation here I guess.
Q Do you know Jesse Rowe, the husband of Permelia? A. Yes sir, well.
Q How long have you known him? A. For the last 20 years.
Q Do you know what his occupation is? A. Baptist preacher.
Q Do you know what Jesse belongs to; does he belong to any Conference or Mission, what do you have in the Baptist Church? A. We have a sort of Conference, he belongs to it.
Q Do you know how long he has been a regular preacher? A. I dont know, he preached in Texas and been preaching out here; they sent him off from here and back to Texas.
Q Do your preachers have any permanent home or not; what do you call it, Missionary? A He has got a home.
Q Where does he live? A. Grand river.
(By Mr. Davenport)
Q You never knew this woman or her parents either before the war broke out, did you? A. No sir.
Q You dont know where they were living? A No sir.
Q You dont know where her folks were living except that they were living in that locality? A They were living in Texas.
Q Now, when you saw this woman in '66 at Gibson, who was with her; was her husband with her? A. No sir, there was another man with her.
Q You dont know when she come back to the Cherokee Nation? A. No sir
Q You knew it was several years? A. Yes sir.
Q About ten or 12 years ago? A. Yes sir.

COLUMBUS McNAIR, being sworn by Com'r T.B. Needles testified as follows: (By Mr. Smith)
Q State your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q Where dod your live? A I live at Vinita.
Q Do you know this applicant, Permelia Rowe? A Yes sir.
Q How long have you known her? A. Oh, I have knowed her I guess ever since the war.
Q When did you first see her after the war? A. Oh, I the first time I saw her after the war was when she come up on Grand river.
Q Do you know her husband, Jesse Rowe? A. Yes sir.
Q Did you know him before the war or afterwards? A. I knew him at the time of the war.
Q When did you first see him in the Cherokee Nation after the war? A [illegible] he first come up on Grand river.

Q How long after the war? A. I do not remember the date, it has been [illegible] to my mind, I guess he died one I could remember of the [illegible] Did you know Jesse Mayfield before the war? A. Yes sir.
Q. When did he enlist? A. Before then.
Was Jesse there by himself? A. Yes sir.
Confederate soldier? A. Yes sir.
Where did he live before the war? A. When I got acquainted with him he was living in Texas.
Did you ever know George Sharp to live in the Cherokee Nation? A. I did. What kind of the Cherokee Nation? A. I have heard that he lived in the Cherokee Nation after the war.
Have long had college study that in the state of Texas when the war was on? A. I am not able to tell you.
Did you see him in Texas before the war? A. No sir I saw him in the war.
Q. Yes sir.
Q Do you know where George Sharp was when the war commenced? A. No sir.
Q Do you know where Jesse Rowe was when the war commenced? A. No sir.

PARMELIA ROWE, the applicant, recalled (By Com'r Needles)
Q Mrs. Rowe, was your husband with you when you came up here? A. No sir, I was with another man hurriedly whipped off from my husband. He was out preaching in Texas.
Q You say your owners name was Jesse Mayfield? A. Yes sir.
Q Have they returned to the Cherokee Nation? A. My old Master died; he died in Texas.
Q Was Sallie returned? A. She died.
Q Where did she die? A. It got out in the papers, I don't know where she died.
Q You don't know whether she was ever readmitted to Cherokee citizenship? A No sir.
Q You don't know anything about that? A. No sir.
Q Did Sallie have any children, Sallie Mayfield? A. Yes sir.
Q Did they ever come back? A. Some of them come back.
Q And some of them did not? A. Yes sir, they would come back and go back.
Q You knew your old Master down in Texas didn't you? A. Yes sir.
Q He had a farm down there? A. Yes sir.
Q Did he ever hold any office down there among those people? A No sir not as I know of.
Q Well, at the time your husband was preaching over the country he had a home with you in Texas? A. Yes sir, we just rented white folks land.
Q Lived there? A Yes sir, but my husband come back here, I think they said in '67.
~~Q Did he bring you with him~~ Q. Did he bring you with him? A. No sir
Q He come up here preaching? A Yes sir.
Q And went back to Texas? A. Yes sir.
(By Mr. Davenport)
Q You and your family moved about ten or twelve years ago to the Nation wasn't Sallie Mayfield living in and near Overton Texas when you and your family came from Texas; wasn't she living in or near Overton, in the state of Texas? A She come from here and went to Overton.
Q Wasn't she living there? A Yes sir, she come back here.
Q Wasn't that her home and wasn't her children living there? A. I told you as near as I can, she came here in the spring and in the fall she would go back to Texas; that is the way she done.
(By Com'r Needles)
Q Did you never draw any money for any of the children did you?
A No sir.
Q For yourself either? A No sir.

Com'r Needles,- Parmelia Rowe applies for the enrollment of herself and her three children, to-wit: Nancy, Saline and Collis; Their names do not appear upon any of the rolls of the Cherokee Nation now

[illegible] of the [illegible] of a [illegible] [illegible] [illegible]

[illegible]

To be filed with the name of Jesse Rowe, D. F. S. 1896.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 8th 1896.

Wellington A Smith, for the applicants
Jas. Davenport for the Cherokee Nation.

In the matter of the application of Jesse Rowe for the enrollment of himself and four grand children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Jesse Rowe.
Q What is your age? A. I think I am 83.
Q What is your post office address? A. Ketchum
Q In what district do you live? A. Delaware.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A. Myself and four grandchildren
Q Whatbare their names? A. Atlandah Seals.
Q How old is she? A. 18 years.
Q Next? A. Alverta Seals.
Q How old? A. 16 years.
Q Next? A. Pearle Seals.
Q How old? A. 14 years.
Q Next? A. Clifford Seals?
Q How old? A. 12 years old.
Q Who is the father of these children? A. Joshua Seals.
Q Is he alive? A. I dont know.
Q What was their mother? A. Lizzie Seals.
Q Is she alive? A. No sir.
Q Where are these children now? A. Living with me.
Q You have them in your possession now? A. Yes sir.
Q You say you are the grandfather of them? A Yes sir, they are my daughters children.
(By Mr. Smith)
Q How long have you lived at Ketchum? A. 8 or 10 years.
Q Have you lived there all the time or have you been out some? A. I visited in Texas some.
Q What is your occupation? A Minister.
Q How long have you been a minister? A. 38 years.
Q What church do you belong to? A The Missionary Baptist.
Q Where were you born? A. Canadian district, Cherokee Nation on Grand river.
Q Were you a slave? A. Yes sir.
Q Who did you belong to ? A Dick or Dave Rowe.
Q Was he a Cherokee Indian? A. Yes sir.
Q Where did he live? A. On Spring creek in Canadian district, so they tell me.
Q Where were you when the Civil war commenced? A. In Texas.
Q Who took you there? A. My master at that time was George Starr.
Q Was he an Indian? A. Yes sir.
Q Where did he take you from? A. Flint district, I am told.
Q Had he ever lived in the Cherokee Nation himself? A. Yes sir.
Q How old were you when you were taken to Texas? A. Quite a young boy. I dont know how old I was.
Q What became of George Starr? A Died.
Q Where did he die? A. In the Cherokee Nation.
Q He came back here did he? A. Yes sir.
Q Was he a citizen here when he died? A. Yes sir.
Q You were a child when you were taken away? A Yes sir.
Q When didyou first come here after the war? A. In the winter of '67.
Q What time of the winter? A. January, I left there Christmas and got here after Christmas.
Q Where did you come to? A. I suppose it was Fort Gibson, but I dont really know where I first come to.
Q How long did you stay there? A. Just a short time.
Q About how long? A. Some where between six weeks and two months.
Q What age were you then? A. 17 or 18 years old, my master told me in '68 as best I can recollect that I was 14 years old then.

Q Where did you go after that? A. Home, went home to work.
(By the Commission)
Q What do you mean by home? A. To my master's in Texas.
(By Smith)
Q Your master had not returned then? A. No sir.
Q When did he return? A. In the winter or fall of '67 or '8.
Q When did you come here next? A. In '79.
Q When did you get married? A. In '79 that is how I come to remember my age, my master made fun of me and told me I wasn't but 14 years old and too young to marry.
Q How old was you when you commenced preaching? A. 18 or 20, just after the war I commenced to preach, I reckon you would call it preaching; time of the war I was out to services and learned to pray and talk and the people then called it preaching.
Q How long did you stay here when you came the second time? A. Just a little while.
Q What did you do when you were here? A. I stopped here just this side of Fort Smith in Sequoyah district speaking around there and then went back to Texas.
Q When did you ever come back to the Cherokee Nation after that? A The next time must have been in '78 or '80 I brought my children out here, my father in law was in Sequoyah and I brought my children out here then.
Q Where was your wife up to that? A In Texas with me sir.
Q Are you still preaching? A. Yes sir.
Q Now do you preach, in other words, in what places? A. I have three churches.
Q Is here any rule or regulation in your church as to how and where you are to preach or do you go wherever you want to? A We are called by the voice of the church, the majority of the members govern that.
Q The Methodists have a Conference, what do you have? A. Associations.
Q Is that similar to the Conference of the Methodists? A. Not exactly.
Q What do you have in the place of Bishops? A. Missionaries.
Q What are you? A. I was a Missionary when I was in Texas, I am a Moderator now.
(By the Commission) You are not called by any particular church now? A I am the presiding officer or Moderator of the churches in this district now.
Q When to become the minister of a church you are called there by the members of that church? A. Yes sir.
Q And not by any general conference? A No sir.
Q That is the difference between the Methodists and Baptists in selecting their ministers? A. Yes sir.
~~(By Davenport~~)

Applicant not found on any of the Cherokee rolls now in the possession of this Commission

(By Davenport) When did your master George Starr go to Texas? A I dont know.
Q Was you born before he went there? A Yes sir I was born before he took me there, my understanding is that my master Dave Rowe was a very wild and reckless man and owed a great deal of money and we got sold off, and George Starr got us and took us to Texas.
Q You were in Texas several years before the war? A. Yes sir.
Q When you brought your family to the Cherokee Nation to live it was in '79 or '80, you brought your children here then? A. Yes sir.
(By the Commission)
Q Have you and your family lived continuously in the Cherokee Nation since that time? A My children have, I brought my wife here in '80, I kept her with me in Texas up to then.
Q Was you a slave of Dave Rowe first? A. I was born his slave.
Q How did you get into the hands of George Starr? A. For a debt.
Q Are these four children living now? A. Yes sir.
Q Where were they born? A. In Texas.
Q Is their mother living? A. No sir.
Q Did she die in the State of Texas? A. Yes sir.
Q She never came here at all? A. Yes sir, I brought her first.
Q When? A. In '79 or '80.
Q Was she married then? A. No sir, she married after she went back to Texas
Q She lived and died there after marrying? A. Yes sir.

Q. How long were these children born in the Cherokee Nation? A. Two years [illegible] I have what was brought from Arkansas, the rest.
Q. The old man Elsie when she came here with you? A. Much more than about 14 or 15 years old she was born in '66.
Q. What year was she married? A. I don't remember.
Q. How old was she when she married? A. I don't remember.
Q. How old was she when she died? A. She died in '97 and she was born in '66, is correct.
Q. She was 26 years old when she died? A. Yes sir.
By Examiner: The mother of these children was born in Texas? Texas

By Commissioner, Jesse Rowe applies for himself and four grandchildren, namely, Fannie and Elizabeth Rowe, Lizzie and Elizabeth Rowe, who is not found on any of the rolls of the Cherokee Nation now in the possession of this Commission, he swore that he was a citizen of Dick Rowe, who was a Cherokee citizen, he swore that he was taken to Texas by one George Perry, having been turned over to the said Perry by Dick Rowe for a term, he swore that he returned to the Cherokee Nation in January of '67 and returned to Texas in a few weeks; that he remained in Texas until 1870 or 1880 and then brought his children to the Cherokee Nation and returned again to Texas where he and his wife remained until 1890 at which time he and his wife came to this country to live; he swore that his oldest child was named Lissie, that she was born in the state of Texas, married there to one Beals and died there when she was 26 years of age; there were born to her the four grandchildren of the applicant now applied for, said children having been born in Texas, but now live with the applicant in the Cherokee Nation. The attorney for the applicant asks that said applicant, Jesse Rowe and the four children applied for be placed on a doubtful card for further consideration, stating that there may be other testimony taken in connection with this case, and asks that this testimony may be made a part of the application of Parmelia Rowe on Cherokee Freedman D. Card #681. At the present time the Commission cannot see any ground for placing the applicant and his four grandchildren on a doubtful card even, but it will be done at the request of the attorney for the applicants; therefore the said Jesse Rowe and the four grand children mentioned herein will be listed for enrollment as Cherokee freedmen on a doubtful card and when the final decision is arrived at by the Commission he will be notified by mail.
It is further ordered that a copy of this testimony be filed in the case of Parmelial Rowe, C. F. D. 681

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 30th of August, 1901.

Commissioner.

The [illegible] Cherokee Nation, Page Two.

Department of the Interior
Commission to the Five Civilized Tribes
Fort Gibson, I.T., November 28, 1902

In the matter of the application of Judy Chambers for enrollment as a Cherokee freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
A. T. Brown, agent for applicant.
W. W. Hastings, of counsel for Cherokee Nation.

L. D. Chambers, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A L. D. Chambers.
Q How old are you Mr. Chambers? A Well I am supposed up to 50 I'm.
Q What is your postoffice? A Nofoe.
Q What was your father's name? A Samuel Chambers.
Q Where did your father live before the war? A He lived in [illegible] District.
Q Are you a Cherokee Nation? A Yes, sir.
Q You are a Cherokee citizen by blood, are you? A Yes, sir.
Q You are sometimes known as Coon Chambers, a nick-name? A Yes, sir.
Q Did your father, Sam Chambers, ever own a colored girl by the name of Judy? A Yes, sir.
Q What became of Judy? A Well, she was sold before the war to some parties living over towards Cane Hill.
Q There is Cane Hill, what state? A It is over in Arkansas, east of Flint District where I lived.
Q How far did you live from the state line? A I suppose 12 or 18 miles.
Q How long before the war was that? A Well, the best I can recollect, it must have been some seven or eight years before the war.
Q You remember to whom she was sold? A No, sir, I can't place the place, I can't remember the name, of the party that bought her and taken her over the line.
Q You say they were living over the line? A Yes, sir.
Q Over in Arkansas? A Arkansas, Cane Hill, somewhere in the neighborhood of Cane Hill there.
Q Did your father own her at the time the war came up? A No, she was done sold.
Q Well, he never rebought her, never repurchased her? A No, sir.
Q He never owned her then? A No, sir.
Q Did you ever see her after the war? A No, sir, I never have met up with her, I have heard of her.
Q You don't know anything about her whereabouts? A No, sir, I don't.
Q To whom did Judy Chambers belong before your father came into possession of her? A Well I don't know, I think she was born somewhere about the place there.
Q Then she belonged to your father from birth up to the time you say he sold her? A Yes, that is my best knowledge of it.
Q You don't know to whom she was sold? A I can't remember the name, I can't remember the party that bought her.
By L. T. Brown: Nor what amount of money your father received for her? A No, sir.
Q Were you present when the sale was made? A I was there at home, yes.
Q There in the room? A Yes.
Q Right there when the sale was made? A I was on the place when she was taken off.
Q You don't know anything about how much he received for her?
A No, sir.
Q Don't know who he sold her to? A I can't remember the man's name that bought her.

Mr. Lashley: Do you know whether the person that bought her was a [illegible] man? A Well, I don't say that. Mr. Lashley, one was bought and taken away the line and she never returned any more.

Q What is all you know about it? A That is all I know.

Q You don't know who he was? A No, sir.

Q Mr. Brown: You don't know what he was? A No, sir.

Q Where did you see her by the first time after you claim she had taken over the line? A I never saw her up this way. If I have I didn't know her.

Being duly sworn, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Lashley: What is your name? A Ben King.

Q What is your age? A I will be 60 in March.

Q What is your postoffice? A Twin Grove.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q Did you know this witness' father, Ben Chambers, L. B. Chambers?

A Yes, sir.

Q Did you know his father, Ben Chambers? A Yes, sir.

Q Did you know a colored woman by name of Judy? A Yes, sir.

Q How far did you live from Ben Chambers before the war? A Before the war, different times, one time we lived in about three quarters of a mile.

Q Do you know who bought Judy? A They sold her someone in the states to a man that Bill Hardage just a while ago told me his name but I have forgot it already.

Q You think his name was Gilbert? A Well, it is Bill Hardage's uncle.

Q You don't remember the name yourself? A No, sir.

Q You remember it now? A I don't know how long I would remember it.

Q Well, what was his citizenship, United States or Cherokee? A The one that bought her, citizenship was Washington County, Arkansas.

Q Did you ever see Judy Chambers after the war? A Yes, sir.

Q About when was that? A It was either in '71 or '72 there at the man's that bought her, living on his place.

Q In Arkansas? A In Arkansas, I eat my supper there with her.

Q Was she still there with them? A I eat my supper there with Judy.

Q This woman was still there? A Yes, sir, she had three children at the time.

Q What was their names? A She never told me their names, she said, these are my three children.

By L. T. Brown: What is the nearest postoffice to this place in Washington County, is this man's residence where you ate supper?

A I don't understand you.

Q What is this man's postoffice that you say bought Judy Chambers?

A Why I never inquired the postoffice.

Q What is the nearest place around there? A To my knowledge, is Cane Hill, the nearest place around there.

Q How old did you say you were when you left long before the war? A 7 or 8 years before the war, as well as I remember.

Q You remember how much Mr. Chambers got for her? A No, sir.

Q Did you see the money counted over? A I wasn't there.

Q You wasn't there? A No, I just heard it rumored he had sold her.

Mr. Brown: Again the applicant desires to ask that the testimony of this witness be stricken out, on the ground that it is purely hearsay.

Q For this man to know she was sold, you say he was a citizen of the State of Arkansas? A Yes, sir, Washington County.

Q How do you know it? A Why he was living there, both were whites.

Q. How do you know it? A. They were always considered that and Bill Chambers told me his half sister was a white woman and his brother-in-law was a white man.

Q. Judge to have been a resident of the State of Arkansas and not a citizen? A. Well, he might have been, but they were considered to be white.

Q. All you know of this sale is what you heard? A. No, what she had told me.

Q. What did she tell you? A. Told me she was sold to the family.

Q. When did she tell you that? A. In '71 or '2.

Q. Where at? A. At her old master's house in Washington County, Arkansas.

Q. How came the conversation to come up? A. I stopped there little a while. I think it was in the fall of the year, I started to warm. I had come from Nick Beam's mill, and after I went in the house and seen who it was. I said Judy I want my chopper, I had chopped her from a girl, and she gave me my chopper, and we got to talking and I says, where did Uncle Sam Chambers sell you, and she said, right here to this man.

Q. You say she was sold eight years before the war began? A. Seven or eight.

Q. How long was it from the time you say she was sold until you saw her again in Washington County, Arkansas? A. Give me a pencil and I will soon tell you, and a piece of paper (witness does some figuring); it will was near 17 years after she was sold I believe that I saw her.

Q. About how old was she then? A. Well, when she lived with my father and my stepmother she was about 12 or 13 years old, that was along in '59 or '3, now you can count from then down to then I guess, you are a lawyer.

Mr. Hastings: Did she say where she had been living over there when you saw her in '71 or '2? A. She had been living right there at that place with her old master.

L. F. Brown: Did she say that? A. I asked her where she had been living ever since she had been sold, as old acquaintances.

Commission: This testimony is to be filed in the following Cherokee Freedman cases; D-1014, Judy Chambers; D-1016, Polly Rowe; D-1024, Rufus Warren.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of November, 1901.

M. D. Grace
Notary Public.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] INTERIOR,
[illegible] TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 11 1901

[illegible]

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

File with Cherokee Freedman, [illegible] 1896, Roll [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 26, 1896.

In the matter of the application of Judy Chambers for enrollment as a Cherokee freedman.

Testimony introduced on behalf of the applicant.

Appearances:
L. T. Brown, agent for applicant.
W. W. Hastings, as counsel for Cherokee Nation.

Mr. Hastings: Comes now the Cherokee Nation and protests against the examination of this witness, for the reason that she was examined in full before upon all the three points in issue, namely, as to her ownership prior to the war, her return after the war, and her continued residence since, and this is only a repetition of the testimony brought out in the first place, and that the Cherokee Nation has only offered evidence against these three points originally brought out by the applicant herself.

Commissioner (to agent) What do you want to examine her on?

L. T. Brown: The gentleman testified the other day that he had a conversation with this lady, and I want to show whether he did or not.

JUDY CHAMBERS, being duly sworn by Commissioner Beadle, testified as follows:

L. T. Brown: What is your name? A Judy Chambers.
Q Are you the applicant in this case? A I am, yes, sir.
Q Do you know a man by the name of Ben King? A No, sir, I don't.
Q Did you ever have a conversation anywhere in the State of Arkansas with a man by the name of Ben King, in which you stated that you had been sold to a citizen of the State of Arkansas a few years before the war and had lived in the State of Arkansas up until that time?
A No, sir.
Q Were you anywheres in the State of Arkansas during the year 1874?
A No, sir, I wasn't.
Mr. Hastings: You know Ben King, don't you? A Yes, sir.
Q You knew him before the war? A Yes, sir, he was my young master.
Q You claim to belonged to his father? A Yes, sir, he was my young master.
Q You don't deny that? A No, sir, I don't, don't deny that I was a slave.
Q Did you ever live in Cane Hill, Arkansas? A Yes, sir, I was there and cooked.
Q Who for? A Mr. McClelland.
Q Charley McClelland's outfit? A His father.
Q You knew him then before the war? A No, sir, it was after the war.
Q How long did you cook for him? A Five years.
Q Did you ever know a man over there by the name of Gilbreath?
A No, sir.
Q Never heard of him? A No, sir.
Q Or Gilbert? A No, sir.
Q Never heard of them? A No, sir, never heard of them at all.
Q You know Ben King? A No, sir.
Q You remember everybody you saw 35 years ago? A No, sir, I don't.
Q Lots of people you saw last year you don't know; don't know lots of people you talked to last year, you don't know? A That is right.
Q You don't know what you said to me five years ago? A No, sir, I don't.

[illegible]

Q. You don't remember meeting me five years ago? A. I remember meeting you here.

Q. [illegible] and you take me there? A. No, sir.

Q. [illegible] A. No, sir, I don't tell you, I might tell you [illegible] to speak.

Q. Are you [illegible] to tell conversations you had with people [illegible] years ago, do you? A. No, sir, because I don't.

Q. Especially when there are strangers passing along? A. Yes, sir.

Q. [illegible] Have you any children? A. Yes, sir.

STATEMENT

Irene C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Irene C. Jones

Sworn to and subscribed before me this the 4th of October, 1901.

[illegible]

Commissioner.

File with Fernelia Rowe et al., P. O. 2, 1910

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T. Saturday, 18th Inst.

In the matter of the enrollment of Fernelia Rowe, P. O. 2, etc.

Examination of Witness.

Appearances
James D. Davenport for the Cherokee Nation.
Bellamy & Smith for the applicant.

James M. Bell, being first duly sworn before Comm'r T. B. Seales, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A James M. Bell.
Q How old are you? A 69.
Q Where do you live? A Delaware District, Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A Ever since 1839
Q Have you ever been outside of the Cherokee Nation and if so where?
A My father moved to Texas in '47 to Rusk county.
Q When did you return from Texas? A In '53, after his death.
Q Did you know a lady known as aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first got acquainted with her? A In the Cherokee Nation.
Q Did she ever live anywhere except in the Cherokee Nation? A She moved to Texas.
Q When did she move to Texas? A In '47.
Q How long did she live in Texas? A She lived there until after the war.
Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.
Q Do you know the names of any of them? A No sir.
Q Do you know Fernelia Rowe? A No sir.
Q Do you know Jess Rowe? A Yes sir.
Q Where did you know him? A In Texas.
Q Did he have a wife at that time? A I dont know exactly about that.
Q Did you ever know a colored woman that belonged to Aunt Sallie Mayfield named Phillis? A Yes sir I knew old Phillis.
Q Where was she when you knew her? A In Texas, she was cooking there
Q Was that before or after the war? A That was before and after both.
Q Where was Aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.
Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.
Q Do you know what year Aunt Sallie Mayfield came back to he Cherokee Nation after the war? A No sir.
Q Who did Jess Rowe belong to? A George Starr.
Q Where did he live at the breaking out of the war? A In Texas, Russ County.
Q When did he go to Texas? A In '47, my father's family went with him.
Q Did he have Jess Rowe with him when he went there? A Yes sir, that is my impression—he was there and grew up there.
Q Do you know anything about where Jess was at the close of the war? A No sir, I am not certain where he was then.
Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.
Q What year was that? A '47.
Q Had they lived in Texas continuously from '47 until the breaking out of the war? A Yes sir.

(By Smith)

Q They claimed to be citizens of this Nation at he breaking out of the war? A No sir they were not citizens, I think they were considered citizens of Texas.
Q What did they claim, I am not asking you for your opinion? Well

they were freedmen of Texas.
Q They had moved from the country? A Yes sir.
Q And they still claimed to be citizens of the country? A No sir, they voted there in Texas sir.
Q How do you know? A They had elections there and they voted.
Q Did you see them vote? A I think many no I did not see why I know they voted, but they voted.
Q How do you know it? A They were recognized as citizens and paid taxes and were all country, and every one down there was then all enough, voted.
Q You didn't see them vote? A No sir, but I have every reason to believe that they voted.
Q Do you know of your own personal knowledge that they went in Texas? A I am satisfied that they voted.
Q Do you know it? A Yes sir as well as I know anything that I didn't see.
Q As well as you know anything that you dont know? A A man knows things sometimes that he dont see.
Q You dont know anything that is in favor of these freedmen? you? A If I did and was asked about it I would tell it.
Q Have you ever testified in behalf of a single one of these here?
Q I have not directly, I have not been called upon.
Q You have been right active in testifying in favor of the Cherokee Nation? As well as my knowledge of the facts goes I have been a, and I think I have a right to.
Q You dont really know what these fellows did in Texas as to voting or not do you? A I am pretty sure that they voted.
Q You can say if they did or did not?
A I can say they did.
Q Did you see them? A No sir.
Q How do you know than that they voted? A They were citizens there.
Q How do you know that? A They owned property there and were taxed.
Q How do you know that they were taxed? A The assessor went round and taxes everybody.
Q Do you know that George Starr was taxed? A I have every reason to believe that he was.
Q You dont know that Sallie Mayfield was taxed? A I think that they were taxed.
Q You dont know it though? A Well as a man can know it I do.
Q Did they ever come back to the Cherokee Nation? A Yes sir.
Q They were recognized as citizens when they did come back here? A They were re-admitted then.
Q They were recognized then? A Yes sir.
Q You dont know where Jess Rowe was in '66? A No sir.
Q You dont know where Permelia Rowe was in '66? A No sir.
(By Davenport)
Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.
Q You would not have failed to obey a subpoena if they had had you subpoenaed to testify, would you? A No sir.

ZEEK STARR, being first duly sworn by Com'r T. R. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A Zeek Starr.
Q What is your post office address? A Tahlequah.
Q What is your age? A 68.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Where did you live before you come to the Cherokee Nation? A Texas, Bass county.

Q What was your father's name? A George Starr.
Q Did you know a lady known as aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first recollected? A In Texas.
Q Did she own any slaves in Texas? A Yes sir, several.
Q Do you remember the names of any of them? A Of some of the older ones.
Q Did they own a woman named Phillis? A Yes sir.
Q Did she have any children? A Yes sir I think she had some children.
Q Do you know Jesse Rowe? A Yes sir.
Q Who did he belong to? A To my father.
Q Do you know if your father had him with him when he came to Texas in '47? A That is before I recollect.
Q Where was Jesse when you could first remember? A He was living there with us in Texas.
Q Who did Phillis belong to? A To aunt Sallie Mayfield.
Q Do you know where Jesse Rowe and his family were when the war broke out? A He was living with us when the war broke out.
Q Where were you livi g at that time? A Bass County Texas.
Q You were born in Texas, yourself? A Yes sir.
Q Have you seen Jesse Rowe since he came to this country? A Yes sir.
Q Do you know him to be the same Jesse Rowe that belonged to your father in Texas? A Yes sir the same Jesse Rowe.
Q Have you seen his wife since he came here? A I guess I have I dont know as I know his wife exactly though.
Q When did you come to the Territory after the war? A In 1868.
Q Where was Jesse Rowe and his family when you moved back? A As far as I know he was in Texas.
Q Where was he when you started away from Texas? A There.
Q Where was he when the war closed? A In Texas with us.
Q When did you first see Jesse Rowe in this country? A 10 or 11 years ago,
Q Did he have his family with him at that time? A I dont know if he had his family or not.
Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a citizen of the State of Texas I guess.
Q Were you recognized as citizens of the Nation when you came back?
Q He had to be re-admitted as a citizen of the Cherokee Nation on his return is my understanding.
(By Smith)
Q How many slaves did your father have, Mr. Starr? A 50 or 60.
Q A good many? A Yes sir.
Q How old were you when the war closed? A I guess I was 15 or 16 years old.
Q A Boy? A Yes sir.
Q Where were you then? A In Texas.
Q How long did you remain there after the war closed? A We left Texas in the spring of '68.
Q Were you at home all the time there? A Yes sir, except when I was going to school.
Q Where did you go to school? A At Salview, close to where we lived I went there one or two sessions and part of the time I boarded with aunt Sallie Mayfield, she lived closed than we did.
Q Where was Jesse Rowe when you were boarding with aunt Sallie Mayfield? A At home on our farm.
Q How far was your farm from your aunt Sallie Mayfield's? A Six or seven miles.
Q Did you have any special reason for recollecting Jesse Rowe during that time, or did you just remember that he was one of your father's slaves? A He was there on the place.
Q As far as Jesse Rowe himself is concerned, can you state from your own knowledge and recollection that he was there all the time during the years '65, '6 and '7? A Not by anything particular, but they

[illegible] to the other sisters and I thought he was there too.
Q Where was Jesse raised? A She was there.
Q Was that your sister? A I think she too, he married one of Aunt Sallie Mayfield's daughters.
Q Where had your family come from to Texas? A They came from Illinois.
Q They were citizens here? A Yes sir.
Q Did they have any property here? A They sold it I understand and went to Texas.
Q Where had your aunt Sallie Mayfield lived before she went to Texas? In the Cherokee Nation I have been told.
Q Did she ever come back? A Yes sir.
Q They were recognized as citizens here? A She lived here a while and then went back to Texas.
Q She was a Cherokee by blood? A Yes sir.
Q Was your father a Cherokee? A Yes sir.
(By the Commission)
Q Where was Jesse born? A I dont know, he is older than I am.
Q Was Jesse taken to Texas when your father went there? I suppose he was, I dont know, I was born in Texas in '49.
Q You dont know where Jesse was born? A No sir.
(By Davenport)
Q When your family returned here were they recognized as citizens of the Cherokee Nation or did they have to be readmitted? A--
BY MR. SMITH: ' The applicant's object to the testimony as to the re-admission for the reason that the record would be better evidence.
(By Davenport of witness)
Q You don't know what took place as to their citizenship? A No sir
Q You do know that they moved to Texas before the war and lived there until after the war? A Yes sir.
Q When your father came back here did he have any property here? A No sir.
(By Smith)
Q You were born in Texas? A Yes sir.
Q You are a citizen of the Cherokee Nation now? A Yes sir.
Q By blood? A Yes sir.
Q You came here from the State of Texas? A Yes sir.
(By Davenport)
Q Your understanding is that it was after your return that you were re-admitted? A Yes sir.
(By the Commission)
Q How did you get to be a Cherokee citizen if you were born in Texas?
Q After father was re-admitted I suppose the whole family was re-admitted with him.

= = = = = = = = = = = = =

This will be filed in Cherokee freedmen cases, D-681; D-682; D-683; D-684; D-685; D-738; D-960; D-1016; D-1014; D-1024 and D-1063.

****

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 18th of October, 1901.

Commissioner.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

in the case of Moses Fairbire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

FILED

T.P.S. 2010.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 17, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of Joseph Rowe et al., as Cherokee Freedmen.

Appearances:
Applicant appears in person;
W. W. Hastings, attorney for Cherokee Nation.

JOSEPH ROWE, being first duly sworn, testified as follows in his own behalf:

BY COMMISSION: What is your name? A Joseph Rowe.
Q How old are you? A 34.
Q What is your postoffice address? A It was Benge then, it is Garrison, Indian Territory now.
Q What district do you live in? A Sequoyah.
Q What is your father's name? A Jess Rowe
Q What is your mother's name? A Permelia Rowe.
Q You claim citizenship as a Cherokee freedman by intermarriage?
A No sir, I claim citizenship through my father and mother.
Q Through your father or mother? A Both. I married a citizen of the Cherokee Nation, but that ain't the way I put in my claim.
Q Did you ever draw any money? A No sir.
Q Is your name on any of the Cherokee tribal rolls?
A I don't know.
Q Do you claim to be on any of the tribal rolls? A Yes sir.
Q Which one? A On the Wallace roll.
Q You don't claim to be on any other roll? A No sir, I made application several times, but I don't know what has been done to them.
Q Where were you born? A I donSt know sir, I think I was born in Texas.
Q When did you come to the Cherokee Nation the first time?
A I don't know sir, what year that was in, but I think it has been about 17 or 18 years ago.
Q Have you been living in the Cherokee Nation ever since you came here from Texas? A Yes sir.
Q have you ever been out of the Cherokee Nation to live since you came here from Texas? A Yes sir.
Q When did you marry your wife? A I married her I think 8 years ago, or 9 years ago this past October.
Q When did you get acquainted with your wife? A Probably 8 or 10 years, or 6 or 7 years before that, maybe about 5 or 6 years.
Q Did you get acquainted with her when you first come here from Texas? A No sir.
Q How long after you come here from Texas? A It might have been a year or some such matter, six months, she was quite a little girl then I don't know.
Q Where has she lived since you first got acquainted with her?
A In Sequoyah District.
Q In what Nation? A In the Cherokee Nation.
Q Name your children you have applied for.
A Clarinda Rowe and Osa and Loma.
Q Are they all living? A Yes sir.

Q Were they born in the Cherokee Nation? A Yes sir.
Q Have they lived there all their lives? A Yes sir.
Q You say you never drew any payments from the Cherokee Nation?
A No sir, I haven't, my wife has but I haven't.
Q Where were you living when the Wallace roll was taken, what district? A I was living in Sequoyah District.
Q Who were you living with at that time? A My grandfather, Wallace Jones.
Q Who else was in his family at that time? A We had a son by the name of John Jones, and Nelia Jones and his wife was named Eliza Jones.
Q Were they colored people? A Yes sir.
Q Are their names on the Wallace roll? A Yes sir, I think so.
Q Who is your wife,s mother? A Judy Chambers.
Q Where was your wife living when you first got acquainted with her? A She was living there in Sequoyah District.
Q With whom was she living? A Her mother.
Q Judy Chambers? A Yes sir.
Q How long did she live there with her mother before you married her? A I couldn't tell you that, she was quite a little girl.
Q From the time you first got acquainted with her and until you married her, did she live with her mother? A Yes sir, she lived right with her mother when I married her, lived with her all that time, up until I married her and took her away.
Q What time, from the time you first knew her until you married her? A Yes sir.
Q She wasn't 18 years old when you married her? A No sir, 14, I think, somewhere 13 or 14, very young, I have forgotten now just how old she was.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and completer transcript of his stenographic notes thereof.

Wm. Hutchinson

Sworn to and subscribed before me this 21st day of November, 1903.

Charles D. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Permelia Rowe, et al., as Cherokee Freedmen, consolidating the applications of--

Permelia Rowe, et al.,	Cherokee Freedmen	D- 661.
Jesse Rowe, Jr.,	Cherokee Freedmen	D- 662.
Arra Ray, et al.,	Cherokee Freedmen	D- 663.
Mary Wilson, et al.,	Cherokee Freedmen	D- 664.
Savannah Rodes,	Cherokee Freedmen	D- 665.
Martha Lyons,	Cherokee Freedmen	D- 722.
Jesse Rowe, et al.,	Cherokee Freedmen	D- 860.
Joseph Rowe, et al.,	Cherokee Freedmen	D-1014.

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Permelia Rowe for herself and her three minor children, [illegible] Lilia Rowe; by Jesse Rowe, Jr., for himself, [illegible] and her minor daughter, Ina Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Phoenix E. Wilson; by Savannah Rodes for herself; by Milton Lyons for his wife, Martha Lyons; by Jesse Rowe for himself and his four minor grandchildren, Alonzo, Alverta, Pearley and Clifford Rodes, and by Joseph Rowe for himself, his wife, Pellie Rowe, and two minor children, Charlie and Ora Rowe; that subsequent to the date of the last-mentioned application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Lena Rowe. A copy of the testimony taken at different times and places in Cherokee Freedmen D-1014 is filed herewith and made a part of the record in this case.

The evidence in this case shows that Jesse Rowe and Permelia Rowe are husband and wife and that they were at one time the slaves of Cherokee citizens who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Henry Rowe, Salena Rowe, Lilia Rowe, Jesse Rowe, Jr., Arra Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Phoenix E. Wilson, Savannah Rodes, Martha Lyons, Alonzo Rodes, Alverta Rodes, Pearley Rodes, Clifford Rodes and Joseph Rowe are the children and grandchildren of the said Jesse and Permelia Rowe, have been born since the commencement of the rebellion, and take only

such rights as may be possessed by the said Jesse Howe and Permelia Howe; that the applicants, Clarinda Howe, Dee Howe and Lona Howe, are the minor children of and claim their right to enrollment through their parents, the said Joseph Howe and Pellie Howe; that the said Pellie Howe was born since 1866 and is the daughter of and claims her right to enrollment through Judith Chambers.

It further appears from the evidence herein that neither the said Jesse Howe nor Permelia Howe returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Lucas Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the said Pellie Howe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Permelia Howe, Nancy Howe, Salena Howe, Celia Howe, Jesse Howe, Jr., Arre Ray, Ina Ray, Mary Wilson, Glenda Wilson, Joseph Wilson, Florence M. Wilson, Savannah Reese, Martha Lyons, Jesse Howe, Adami Seale, Alverta Seale, Pearley Seale, Clifford Seale, Joseph Howe, Pellie Howe, Clarinda Howe, Dee Howe and Lona Howe as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

Commissioner.

Tab with 1836

CHEROKEE FREEDMAN

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906

Anna Mae

as a citizen of

Cherokee Nation.

Approved _____ 190..

Commissioner.

RECEIVED

JUN 14 1908

14

S 1014

[illegible]

[illegible]

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

[illegible]

To the Applicant for Enrollment as a citizen of the Cherokee Nation of Willie Rowe born on the 20 day of Sept 1906

Name of father Joseph Rowe a citizen of the Cherokee Nation

Name of mother Pollie Rowe a citizen of the Cherokee Nation

Tribal enrollment of father Freedman Tribal enrollment of mother Cherokee Freedmen

Pollie Rowe P. O.

AFFIDAVIT OF MOTHER

United States of America, Indian Territory,
Northern District

I, Pollie Rowe on oath state that I am 25 years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of Joseph Rowe who is a citizen, by adoption of the Cherokee Nation; that a female (Male or Female) child was born to me on 20 day of Sept 1906; that said child has been named Anna Rowe, and was living March 4, 1906.

Pollie Rowe

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 11 day of June 1906.

J. H. Blanton
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

United States of America, Indian Territory,
Northern District.

I, Judy Chambers midwife that, on oath state that I attended on she is dead wife of I cannot furnish on the ____ day of ____ 1____; that there was born to her on said date a ____ (Male or Female) child; that said child was living March 4, 1906; and is said to have been named ____.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this ____ day of ____ 1906.

Notary Public.

FILED
MAR 21 1962

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joseph Poo,

Benge, I. T.

Che:Cn:-P-D-1018.

Re.ister.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

[illegible]

UNITED STATES COURT

COMMISSIONER'S OFFICE

I hereby certify that I served the within

in person on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Choctaw Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of SEP 11 1901 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 24 1901

NOTICE!

IN THE MATTER of the application of Joseph Rowe
for enrollment as Cherokee Freedman.

Case No. F. D. 1036

To Joseph Rowe or Mellotte & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, [illegible], 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee Freedman.

Mellette Brown

Cherokee Freedman # 1016

COMMISSION TO THE FIVE TRIBES

No. 17073 Received DEC 6 1901

Per [illegible]

Chickasaw

Amelia Child married as Carter.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 7 1901

ACTING CHAIRMAN

In response please refer to
Number F.B.1016.

Berger S. Dak
To the Honorable Post-
Committee
Fahlquist S. D.

Sir
If you will be so to send you
the Name that you wanted
Ora to be child to go in.
Sir Please inroal her
by the name of Ora Roe.
Ophelia is Dead.
Oblige yours
J. H. Roe
Berger S. D.

D

N-1916

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 2 1901
Acting Commissioner

CHEROKEE FREEDMEN.

Name Polly Parker
Post Office Muskogee I.T.
Township Leg.

1. Name Joseph Parker Age [illegible]
Owner's name Citizenship
Year Page No. Dist.
Parents
Father Citizenship
Mother Citizenship
2. Name of wife Polly Parker Age [illegible]
Owner's name Citizenship
Year Page No. Dist. Leg.
Parents
Father Citizenship
Mother Citizenship
Names of Children
3. Alexander Parker Year Page No. Dist.
4. Sylvia " Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by No. 1 Stenographer Chas. Wallace

Doubtful

2 On Walker roll as Polly Paden
3 and 4 Proof of birth required.

Ref D 1014 Ref D 681

Tahlequah, Indian Territory, December 7th, 1901.

Mrs. Nellie Rowe,

Bengo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of birth affidavits in the matter of the applications of your two children, Clarinda and Ora Rowe, aged five and ten years respectively.

The affidavit as to the birth of your daughter Clarinda being in due form, it will be filed.

When you applied for the enrollment of yourself and children the Commission was informed that the name of your youngest child was Ophelia Rowe, and she has been so listed for enrollment. Please advise the Commission promptly whether you desire to have your youngest child listed under the name of Ophelia or Ora Rowe. Until the Commission has been furnished with this information the affidavit as to the birth of your youngest child cannot receive further consideration.

Yours truly,

Commissioner.

In answering refer to
Cherokee F.D.1016.

Cherokee Freedmen
D-2116.

Muskogee, Indian Territory, October 31, 1903.

Edgar Smith,

Attorney for Joseph Rowe et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Joseph Rowe for the enrollment of himself and his wife, Pollie Rowe, as Cherokee freedmen, you are advised that before a decision can be prepared in that case, further evidence is required as to the residence of himself and his said wife in the Cherokee Nation.

The applicant has therefore been directed to appear before the Commission at its offices at Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
Dockets.

Muskogee, Indian Territory, October 21, 1903.

Joseph Rowe,

Bonge, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and your wife, Pollie Rowe, as Cherokee freedmen, you are advised that before a decision can be prepared in your case, further evidence is required as to the residence of yourself and your said wife in the Cherokee Nation.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-198.

Muskogee, Indian Territory, May 1, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Permelia Howe et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Permelia, Nancy, Salena, Colie, Jesse, Joseph, Pollie, Clarinda, Osa, Lena and Jesse Rose Jr., Adami, Alverta, Pearly and Clifford Seale, Martha Lyons, Arro and Ina Ray, Mary, Claude, Joseph and Blussie M. Wilson and Savannah Rose as Cherokee freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-198.

Cherokee Freedmen
D-197.

Muskogee, Indian Territory, May 6, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1906, in the consolidated case of Permelia Rose et al., rejecting the applications for the enrollment of Permelia, Nancy, Malone, Collie, Jesse, Joseph, Pollie, Clarinda, Osa, Lemma and Jesse Rose Jr., Adami, Alverta, Pearly and Clifford Seale, Martha Lyons, Arre and Ina May, Mary, Claude, Joseph and Vicessie M. Wilson and Savannah Rose as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Enc. D-197.

Commissioner in Charge.

Cherokee Freedmen
D-196 et al.

Muskogee, Indian Territory, May 8, 1906.

Edwin Mc C.,

Attorney for Permelia Rowe et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 26, 1906, in the consolidated case of Permelia Rowe et al., rejecting the applications for the enrollment of Permelia, Nancy, Salena, Colie, Jesse, Joseph, Pollie, Clarinda, Osa, Rosa and Jesse Rowe Jr., Adami, Alverta, Pearly and Clifford Seale, Martha Lyons, Arre and Ina Ray, Mary, Claude, Joseph and Flossie M. Wilson, and Savannah Rosse as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. [illegible]

Register

Commissioner in Charge.

Enc. D-196.

Muskogee Freedmen
D-195.

Muskogee, Indian Territory, [illegible] 1906.

Joseph Rowe,

Bonge, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself, your wife, Pollie Rowe, and your minor children, Clarinda, Oea and Loma Rowe, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings had in the case and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Register

Enc. D-195.

Refer to reply to
the following:
Land
[illegible]-1904

COPY

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 31, 1904.

The Honorable,

The Secretary of the Interior

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 5, 1904, transmitting for your consideration, the application of Permelia Rowe, et al., consolidating the applications of

Permelia Rowe,	Cherokee	Freedmen,	D. 681.
Jesse Rowe, et al.,	"	"	D 682
Arre Ray, et al.,	"	"	D 683
Mary Wilson,	"	"	D 684
Savannah Reese,	"	"	D 685
Marth Lyons,	"	"	D 728.
Jesse Rowe, et al.,	"	"	D 960
Joseph Rowe, et al.,	"	"	D 1016.

for enrollment as Cherokee Freedmen.

April 20, 1904, the Commission rejected the applicants.

From an examination of the records in the several applications it appears therefrom that applications were made to the Commission for enrollment as Cherokee Freedmen by Permelia Rowe for herself and her three minor children, Nancy, Salona, and Colis Rowe; by Jesse Rowe, Jr. for herself; by Arre Ray for herself and her minor daughter,

Ina Ray, by Mary Wilson for herself and her three minor children, Claude, Joseph and Blossie M. Wilson; by Savannah Reese for herself, by Elias Lyons for his wife Martha Lyons, by Jesse Rowe for herself and four minor grandchildren, Adami, Alverta, Pearley and Clifford Seals, and by Joseph Rowe for himself and his wife Polly Rowe, and two minor children Clarinda and Osa Rowe. It is stated in the decision of the Commission that a copy of the testimony taken at different times and places in Cherokee Freedman D - 1074, is filed herewith and made a part of the record in this case.

The evidence in these cases shows that Jesse Rowe and Permelia Rowe are husband and wife, and that they were at one time slaves of a Cherokee citizen who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State, that the applicants, Nancy Rowe, Solomon Rowe, Colis Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Blossie M. Wilson, Savannah Reese, Martha Lyons, Adami (Adamiah) Seals, Alverta Seals, Pearly Seals, Clifford Seals and Joseph Rowe, are children and grandchildren of the said Jesse Rowe and Permelia Rowe, have been since the commencement of the rebellion, and take only such rights as may be possessed by said Jesse Rowe and Permelia Rowe; that the applicants, Clarandi Rowe, Osa Rowe, and Lorma Rowe, are the minor children of and claim their right to enrollment through their parents, the said Joseph Rowe, and Polly Rowe; that the said Polly Rowe was born since 1866 and is the daughter of and claims her right through Judith Chambers.

It further appears from the evidence in the case that neither the male Jesse Rowe, nor Permelia Rowe, returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 5, 1896, in the case of Evans Wilkinson, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the said Polly Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said nation at the commencement of the rebellion.

None of the Applicants can be identified on the 1880 authenticated Cherokee Roll.

It is therefore recommended that the applications for enrollment of Permelia Rowe, Sammy Rowe, Salome Rowe, Celia Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Jesse Rowe, Adami (Ademiah) Seals, Alverte Seals, Pearley Seals, Clifford Seals, Joseph Rowe, Pellie Rowe, Clarinda Rowe, Ona Rowe and Lerna Rowe as Cherokee freedmen be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it that it be so ordered.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

JTM

C

Indian Division — CORR — W. D.

Executive, DEPARTMENT OF THE INTERIOR, S. D.

Land. WASHINGTON FWS

May 26, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 9, 1904, you transmitted the record in the consolidated Cherokee freedman case of Permelia Rowe, et al (D-681), including your decision of April 30, 1904, rejecting the applications for the enrollment of Permelia, Nancy, Salome, Celia, Jesse, Joseph, Pollie, Clarinda, Ona, Lena and Jesse Rowe Jr., Adami, Alverta, Pearly and Clifford Reals, Martha Lyons, Arre and Ina May, Mary, Claude, Joseph and Vlessie M. Wilson and Savannah Reese.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D 1284

Muskogee, Indian Territory, June 9, 1904.

Joseph Rowe,

Bunger, Indian Territory.

Reeg/Hrt

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself, your wife, Pallie Rowe, and your three minor children, Sharinda, Osa and Lona Rowe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 26, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 1904, et al

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 26, 1904, rejecting the applications for the enrollment of Joseph, Willie, Clarinda, Ora, Lena, Jesse, Jesse, Jr., Permelia, Nancy, Salem and Delia Reve, Adam, Alverta, Pearley and Clifford Beals, Martha Lyons, Savannah Reese, Mary, Glenda, Joseph and Flossie M. Wilson, and Arte and Ina Ray as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 23, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 1414, et al.

Muskogee, Indian Territory, June 7, 1904.

Edgar Smith,

Attorney for Joseph Rowe, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Joseph, Pellie, Charlinda, Sam, Lemm, Jesse, Jesse, Jr., Permelia, Nancy, Salem and Celia Rowe, Admai, Alverta, Pearley and Clifford Seals, Martha Lyons, Savannah Rowe, Mary, Claude, Joseph and Blessie M. Wilson, and Arra and Ina May as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 28, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
Roll

Muskogee, Indian Territory, May 28, 1906.

Joseph Rowe,
Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys September 7, 1906, for a review in your Cherokee Freedmen Enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 26, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 9, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 26, 1906.

Blue & Bulger,

Attorneys for Elisa A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 9, 1905, for review in the Cherokee Freedmen enrollment cases of Elisa A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sirs:

You are advised that this office is in receipt of Departmental letter of May 8, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Elias A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

Cherokee 9
E. D. 949

Muskogee, Indian Territory, June 16, 1906.

Joseph Rowe,

Ketchum, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of application for the enrollment as a citizen of the Cherokee Nation of Anna Rowe, born September 20, 1904.

Respectfully,

Commissioner.

WRP

Muskogee, Indian Territory, July 8, 1906

Pollie Rowe,

Ketchum, Indian Territory.

Dear Madam:

This office is in receipt of your letter of June 12, advising the name under which application was made for your enrollment as a Cherokee freedman. This information appears to have been requested in connection with an application made by you for the enrollment as a citizen of the Cherokee Nation of Anna Rowe, born September 20, 1904, child of yourself and Joseph Rowe.

You are advised the records of this office show that the application of your husband, Joseph Rowe, for the enrollment of himself, yourself, and your minor children, as Cherokee freedmen, was denied by the Commission to the Five Civilized Tribes and its action approved by the Secretary of the Interior May 28, 1904.

The Act of Congress approved April 26, 1906 (Public No. 129), provides:

"That for ninety days after the approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Cherokee Nation, who have applied for enrollment at the approval hereof. ....."

The action of the Secretary of the Interior in Cherokee enrollment cases is final, and as it is shown that the application for the enrollment of yourself and husband, parents of said Anna Rowe, had been finally denied prior to April 26, 1906, it does not appear that this office has any authority to consider the application made for your said child.

Respectfully,

L M B

Commissioner

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OF
REEL